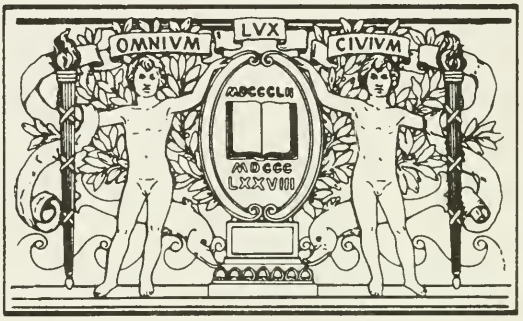

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TWO

ACTS OF PARLIAMENT

TO

REGULATE THE

IRISH FISHERIES.

DUBLIN:

PRINTED BY GEORGE AND JOHN GRIERSON,

Printers to the Queen's Most Excellent Majesty.

1844.

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intituled 'An Act for the Protection and Improvement 'of the Inland Fisheries in this Kingdom :'

So much of an Act passed in the said Parliament in the Thirty-second Year of the same Reign, intituled *An Act for reviving and continuing certain temporary Statutes*, as relates to the River *Anna Liffey*, or any Right of Fishery therein : 32 G. 3. c. 40.

An Act passed in the said Parliament in the Thirty-third Year of the same Reign, intituled *An Act for the Encouragement of the Fisheries in this Kingdom, and for continuing certain Acts respecting the same :* 33 G. 3. c. 50.

An Act passed in the said Parliament in the Thirty-sixth Year of the same Reign, intituled *An Act for continuing and amending the several Acts for the further Improvement and Extension of the Fisheries on the Coasts of this Kingdom :* 36 G. 3. c. 52.

An Act passed in the said Parliament in the Thirty-ninth Year of the same Reign, intituled *An Act to revive and amend an Act passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled 'An Act to 'explain and amend an Act passed in the Twenty-'third and Twenty-fourth Years of the Reign of His 'present Majesty, intituled 'An Act for the Protec-''tion and Improvement of the Inland Fisheries of ''this Kingdom :''* 39 G. 3. c. 51.

An Act passed in the Parliament of the United Kingdom in the Fifty-ninth Year of the same Reign, intituled *An Act for the further Encouragement and Improvement of the* Irish *Fisheries :* 59 G. 3. c. 109.

So much of an Act passed in the said Parliament of the United Kingdom in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the several Acts for the Encouragement and Improvement* 5 G. 4. c. 64.

ment of the British *and* Irish *Fisheries*, as relates to *Ireland:*

7 G. 4. c. 34. So much of an Act passed in the said Parliament of the United Kingdom in the Seventh Year of the same Reign, intituled *An Act to amend an Act of the Fifth Year of His present Majesty for amending the several Acts for the Encouragement and Improvement of the* British *and* Irish *Fisheries*, as relates to *Ireland:*

10 G. 4. c. 33. An Act passed in the said Parliament of the United Kingdom in the Tenth Year of the same Reign, intituled *An Act to amend the several Acts for the Encouragement of the* Irish *Fisheries:*

1 W. 4. c. 54. So much of an Act passed in the said Parliament of the United Kingdom in the First Year of the Reign of King *William* the Fourth, intituled *An Act to revive, continue, and amend several Acts relating to the Fisheries*, as relates to *Ireland:*

1 & 2 Vict. c. 76. An Act passed in the said Parliament of the United Kingdom in the Session holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to explain and amend certain Provisions in Acts of the Parliament of* Ireland *for the Protection of Fisheries in that Kingdom:*

Recited Acts, and Parts of any other Acts relating to Irish Fisheries, repealed.

And the said several herein-before recited Acts and Parts of Acts, in so far only as they or any of them relate to the Fisheries of *Ireland*, and all Acts or Parts of Acts continuing or perpetuating the same or any Part thereof, so far only as relates to such Continuation or Perpetuation, and all Enactments whatsoever now in force in *Ireland* relating to the Fisheries thereof, are hereby repealed accordingly, save and except so far as the said Acts or Parts of Acts or Enactments respectively may repeal the Whole or any Part of any other Act or Acts;

Acts; and also save and except as to any Offences, Penalties, or Matters committed, incurred, or done, or which may be committed, incurred, or done, against or under the Provisions of the said Acts or any of them before the passing of this Act; all which Offences shall be dealt with, considered, and punished, and all such Penalties levied, and all such Matters deemed good, valid, and effectual, to all Intents and Purposes as if this Act had not been passed: Provided always, that nothing herein contained shall be construed to repeal any Enactments or Provisions of the said Acts or any of them, which relate to Piers or Quays, or assisting poor Fishermen, or any Powers in respect thereof now vested in the Commissioners of Public Works in *Ireland*, or any Monies applicable to such Purposes in the Hands of the said Commissioners of Public Works, but that all such Enactments and Provisions relating to Piers or Quays, or the Assistance of poor Fishermen, and all such Powers in respect thereof, or of the Application of the Monies applicable to such Purposes, shall remain in full Force and Effect: Provided also, that nothing herein contained shall be construed to repeal an Act passed in the said Parliament of the United Kingdom in the Session holden in the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act for establishing a Joint Stock Company for the Prosecution and Extension of the Fisheries off the Shores of* Ireland, *and for the Improvement of the Sea Coast in connexion with such Fisheries*, or an Act passed in the said Parliament of the United Kingdom in the First Year of the Reign of Her present Majesty, intituled *An Act to enable* Edward Joshua Cooper *Esquire to establish and protect a Salmon Fishery upon the Lakes*

6 & 7 W. 4. c. cxxx. and 7 W. 4. and 1 Vict. c. lxxxix. not repealed.

and Rivers Owenmore *and* Arrow, *and also within the Bay of* Ballisodare, *in the County of* Sligo *in* Ireland; save that the said *Joshua Edward Cooper*, his Heirs and Assigns, shall not, from and after the passing of this Act, use or exercise any Rights, Powers, or Authorities for the Preservation or Protection of the free Fishery in the said Act mentioned, or for the Detection, Prosecution, Conviction, or Punishment of Trespassers on such Fishery, other than such as after the passing of this Act may be lawfully enjoyed, used, or exercised by the Proprietor of any like Fishery under and by virtue of the Provisions of this Act: Provided also, that nothing herein contained shall repeal or be construed to repeal so much of the said Acts or any of them as regulate, fix, and determine the Close Season for Salmon until the First Day of *January* One thousand eight hundred and forty-four; and that until such First Day of *January* One thousand eight hundred and forty-four the said Close Season shall remain and be observed as now regulated, fixed, and determined by the said Acts or some of them; and that from and after such First Day of *January* One thousand eight hundred and forty-four the said Parts of such Acts so to remain in force until such Day shall be and the same are hereby repealed.

Proviso as to the Close Season.

2. And be it enacted, That the Commissioners of Public Works in *Ireland* for the Time being shall be and they are hereby constituted and appointed Commissioners for the Execution of this Act, and that all and every the Powers and Authorities in and by this Act given may be exercised by the said Commissioners and any One or more of them; and that it shall and may be lawful for the said Commissioners, with the Consent and

The Commissioners of Public Works to be the Commissioners for this Act.

and Approbation of the Commissioners of Her Majesty's Treasury, from Time to Time to appoint during Pleasure such and so many Persons to be Inspectors of Fisheries, and also such additional Clerk or Clerks or other Officers as may be necessary for the Purposes of this Act; and that it shall and may be lawful for the said Commissioners of Public Works to pay to the said Inspectors, and to such Clerks or other Officers so appointed as aforesaid, such Sum or Sums by way of Salary or Remuneration as the said Commissioners of Her Majesty's Treasury, or any Three or more of them, shall fix and appoint.

Fishermen, &c. may use Waste Shores, for the Purposes of fishing;

3. And be it enacted, That it shall and may be lawful for all Fishermen and Persons employed by them to enter upon all such Beaches, Strands, and Wastes on or adjoining the Sea Shore, or any Estuary, as may be necessary for the Purpose of carrying on any Herring or other Sea Fishing, and also to draw up and spread their Nets and land their Fish upon any such Beach, Strand, or Waste: Provided nevertheless, that they shall not erect any Fixtures or Fixed Nets thereon, save as herein-after provided.

or for watching for Fish.

4. And be it enacted, That it shall be lawful for all Watchmen, Directors, and Guiders of Fishermen, and all such Fishermen themselves, and such other Persons as shall necessarily attend the Nets or Fishings at the Times of fishing for Herrings, Pilchards, and other Sea Fish, to enter and go into and upon any Lands which do lie or adjoin near unto any Fishing Place, fit, convenient, and necessary to watch and to draw or carry the Fish on shore, and there to watch for the said Fish, and to direct and guide the said Fishermen which shall be upon the Sea and Sea Coasts for the taking of the said

said Fish; provided that no Person shall be empowered or authorized by this Act to enter in or upon any enclosed Garden, or any Tillage Land with a growing Crop thereon.

Penalty on Persons resisting or obstructing Fishermen in using such Shores, &c.

5. And be it enacted, That if any Person shall resist or forcibly obstruct any Fisherman or Person employed by him in entering upon and using in the Manner and for the Purposes aforesaid the said Beaches, Strands, Wastes, and other Lands, save Gardens and Lands with a growing Crop as aforesaid, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Regulations as to Sea Nets.

6. And be it enacted, That no Net or other Engine covered with Canvas, Hide, or other Material, by which unsizeable and young Fish may be taken or destroyed, shall be used on the Sea Coast, or within any Estuary, except for the Purpose of dredging for Shell Fish, and every Person offending by such Use of any such Net or Engine shall forfeit the same, and shall also for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

No Herring or other Nets save as herein provided, to be shot or left floating in the Day-time.

7. And be it enacted, That no Person shall, at any Time between Sunrise and Sunset, set, either in the Sea or within the Tide Way in any Estuary, any Sea Net for the catching of Herrings, or any Trammel Net, or leave any Drag or other Net in the Water between Sunrise and Sunset, except Stake or Fixed Nets for the catching of Salmon, as is herein-after provided, and save also Seines or Drift Nets for Pilchards or Fish other than Herrings, provided such Stake or Fixed Nets and such Seines or Drift Nets be used at such Times and Places as may not be prohibited by the Bye Laws herein-after mentioned; and every Person offending by setting

setting or leaving set any such Net, save as aforesaid, shall forfeit the same, and shall also for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on Fishermen not hauling up their Nets.

8. And be it enacted, That every Person who shall, between Sunset and Sunrise, have set, either in the Sea or within the Tide Way in any Estuary, any such Net as is hereby prohibited from being left set or in the Water between Sunrise and Sunset, shall before Sunrise haul up and remove such Net or Nets; and every Person offending by not so hauling up and removing such Net before Sunrise shall forfeit the Net so set or in the Water, and shall also forfeit and pay any Sum not exceeding Five Pounds, unless it shall be proved to the Justice before whom Complaint shall be made against such Person that he was prevented by sudden Storm or Stress of Weather from hauling up and removing such Net.

Penalty on Use of Trawl and Trammel Nets.

9. And be it enacted, That every Person who shall use any Trawl or Trammel Net at any Season or any Place, either in the Sea or within the Tide Way in any Estuary, when or where the Use of the same shall have been prohibited by any Bye Law to be made as hereinafter mentioned, shall forfeit every such Net so used, and shall for every such Offence also forfeit and pay any Sum not exceeding Twenty Pounds.

Nets shall not be set or Lines laid contrary to the Bye Laws.

10. And whereas Shoals of Herrings and other Fish are frequently prevented from entering Bays and Estuaries by Persons setting Nets at or across the Entrance of such Bays and Estuaries; be it therefore enacted, That if any Person shall set any Net at or across the Entrance of any Bay or Estuary in any Place

or

or at any Time which shall be prohibited by any such Bye Law, every Person so offending shall forfeit and pay for each such Offence any Sum not exceeding Five Pounds.

Penalty for stealing Oysters or Oyster Brood.

11. And be it enacted, That if any Person shall steal any Oysters or Oyster Brood from any Oyster Bed or Laying, being the exclusive Property of any other Person or Persons, and sufficiently marked out and known as such, every such Offender shall be deemed guilty of Larceny, and being convicted thereof shall be punished accordingly: Provided always, that nothing herein contained shall extend to any Case where the Party taking such Oysters, or accused of stealing the same, shall have acted under a fair and reasonable Supposition, that either he himself or any other Person in whose Right or by whose Authority he acted, or the Public at large, had a Right to take the said Oysters, and to convert the same to his or their own Use.

Penalty for unlawfully using Dredges, &c. within Limits of Oyster Fisheries.

12. And be it enacted, That if any Person shall unlawfully and wilfully use any Dredge, or any Net, Instrument, or Engine whatsoever, within the Limits of any such Oyster Bed or Laying, being the exclusive Property of any other Person or Persons, and sufficiently marked out and known as such, for the Purpose of taking Oysters or Oyster Brood, although none shall be actually taken, or shall with any Net, Instrument, or Engine, drag upon the Ground or Soil of any such Fishery, every such Person shall be deemed guilty of a Misdemeanor, and being convicted thereof shall be punished by Fine or Imprisonment, or both, as the Court shall award, such Fine not to exceed Ten Pounds, and such Imprisonment not to exceed Three Calendar Months; and it shall be sufficient in any Indictment or Information

Information to describe, either by Name or otherwise, the Bed, Laying, or Fishery in which any of the said Offences shall have been committed, without stating the same to be in any particular Parish, Barony, or County: Provided always, that nothing herein contained shall extend to any Case where the Party trespassing as aforesaid shall have acted under a fair and reasonable Supposition, that either he himself, or any other Person in whose Right or by whose Authority acted, or the Public at large, had a Right so to do; and provided also, that nothing herein contained shall prevent any Person from catching or fishing for any floating Fish within the Limits of any Oyster Fishery with any Net, Instrument, or Engine adapted for taking floating Fish only.

Not to extend to Persons fishing for floating Fish.

13. And whereas it is expedient to increase the Means of procuring Bait for the Line Fishery, be it therefore enacted, That it shall be lawful for the Owner or Occupier of any Land bordering on the Sea, or any Estuary, with the Permission of the said Commissioners, or for any Person or Persons with the Consent of such Owner or Occupier, and with the Permission of the said Commissioners, to form Bait Beds between High-water and Low-water Mark, and in all such other Places adjacent to their respective Portions of Land as shall be suitable for the Purpose; and it shall be lawful for the several Persons planting the same to hold them as private Property, and to exercise an exclusive Control over them, so long as they shall be Owners or Occupiers of such Land: Provided always, that the Formation and planting of such Bait Beds as aforesaid shall not give any exclusive Right or Title to the Occupancy of the said Shore, except for the Purpose aforesaid,

Bait Beds may be made.

aforesaid, or to the Appropriation of any public Banks or Beds at present resorted to for Bait, but that the Rights herein-before granted are to be considered as exclusively applying to Places where no such public Banks or Beds at present exist; saving to the Queen's most Excellent Majesty, and all the Subjects of this Realm, the free and full Exercise and Enjoyment of all other Rights of Fishing, or other Rights whatsoever in or along the said Sea Shore or Coast, or the Shore of any such Estuary as aforesaid, subject to the Provisions herein contained; and provided further, that if, after the Formation and planting of such new Beds or Banks as aforesaid, any Person shall interfere with or take away any of the Bait from such Bank or Bed, without the Consent of the Owner or Occupier, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Persons discharging Ballast in improper Places.

14. And be it enacted, That no Person shall throw out or unlade from any Vessel the Ballast thereof or any Part thereof within any Estuary, Harbour, or Place, unless where the same may be allowed by the said Commissioners or by the local Regulations of such Harbour or Place; and any Person throwing out or unlading any Ballast, unless where so allowed, or the Master or Owner of such Vessel, at the Election of the Person prosecuting, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

The Coasts of Ireland may be divided into Districts for the Purposes of this Act.

15. And be it enacted, That, for the Purpose of facilitating the due Execution of this Act, the said Commissioners shall divide the Coast of *Ireland* into such and so many Districts, to be designated by such Names, Marks, or Letters as they shall deem fit, and such Division and Designation shall be published by the

the said Commissioners in the *Dublin Gazette* and provincial Newspapers circulating in the Counties adjoining the Coast, and shall also be entered in the Bye Laws herein-after directed to be made by the said Commissioners.

Fishing Vessels on the Coast of Ireland to be registered and marked.

16. And be it enacted, That at such of the Coast Guard Stations and Custom House Offices within such Districts respectively as the said Commissioners shall appoint, subject to the Consent and Approbation of the Commissioners of Her Majesty's Customs, there shall be kept by such Officer as the said Commissioners of Public Works may appoint, in a Book or Books to be provided for that Purpose, a Registry of all Vessels engaged in fishing, and belonging to Places within the District in which such Coast Guard Station or Custom House Office may be situate, together with the Names of the Owners of such Vessels, and of the Ports to which the same may respectively belong, and the Number of Men usually employed in each such Vessel; and the Owners of such Vessels are hereby required to have registered accordingly their Names, and the Names of their Vessels, and the Ports to which they severally belong, and the Number of their Men; and the Owner of each Vessel shall be furnished by the Registering Officer with a Certificate of such Registry signed by him, and pay such Sum as the said last-mentioned Commissioners may direct, not exceeding the Sum of One Shilling for each such Certificate; and such Certificate shall be conclusive Evidence of such Registration, and the Number, Mark, or Letter which shall be assigned to each Vessel by the Registering Officer, together with the Names of the Vessel, of the Owner, or some One of the Owners where more than One, and of the

Port to which such Vessel belongs, shall be painted on the Stern of such Vessel, and such Number and Mark or Letter shall be also painted on the Sails and Bows or Quarters, and on the Buoys attached to the Nets used with such Vessel, or on small Boards permanently attached to such Nets for the Purpose, in such Manner and in Figures of such Dimensions as the said Commissioners shall direct; and if any Vessel shall be used for fishing on any Part of the Coast of *Ireland*, or within any Estuary thereof, at any Time after the First Day of *January* One thousand eight hundred and forty-three, which Vessel shall not have been so duly registered as aforesaid, or on the Stern whereof the Name of such Vessel, that of the Owner or One of the Owners, and of the Port to which such Vessel may belong, shall not be so painted, or on the Sails, Bows or Quarters, and Buoys or small Boards attached to the Nets whereof such Number or Mark or Letter shall not be so painted, the Owner, Master, or chief Officer of such Vessel so used shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds: Provided always, that when any Vessel shall not be permanently engaged in fishing the Number and Mark or Letter may be temporarily attached to the Sails, Bows, and Quarters of such Vessel, in such Manner and for such Time as shall be permitted by the said Commissioners; and provided also, that Vessels belonging to Places out of *Ireland* may, for the Purposes of this Act, be registered at the Coast Guard Station or Custom House Office, as the Case may be, of any District within or adjoining which such Vessel shall be engaged in fishing for the Time being, the Owner, Master, or chief Officer of any such Vessel being subject nevertheless

Penalty for using Vessels not registered.

less in both last-mentioned Cases to forfeit and pay a Sum not exceeding Ten Pounds if he shall neglect to comply with the Provisions aforesaid.

All Bodies Corporate, &c. empowered to demise Lands for the Purposes of this Act.

17. And whereas it is expedient to encourage the Erection of Stores and other Buildings which may be required for the Purpose of curing and preserving Fish; be it therefore enacted, That it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, and all Bishops and other Ecclesiastical Persons as to Lands held by them in right of their respective Dignities or Benefices, and for every Person or Persons seised in Fee Tail or for Life, and for the Trustee or Trustees, Guardian or Guardians of any Minor, or the Committee or Committees of any Idiot or Lunatic, seised as aforesaid of and in any Lands near or adjacent to the Sea Coast of *Ireland*, to demise to any Person (who shall covenant and agree with such Bodies Politic, Corporate, Collegiate, Aggregate or Sole, or with such Tenants in Tail or for Life, or such Trustees, Guardians, or Committees as aforesaid, within the Space of Seven Years from the Commencement of such Lease, to lay out a Sum not less than the Amount of Five Years Rent, to be reserved by the said Lease or Leases, in good and substantial Buildings upon the same,) any Quantity of Ground for the aforesaid Purposes, not exceeding Ten Acres Statute Measure in any One such Demise, for any Term of Years or for the Term of Three Lives, with Covenant for Renewal for ever on Payment of a Peppercorn by way of Fine for each Renewal, at the highest and best Rent that can be got for the same, without any Fine or Foregift to be taken for making such Lease: Provided always, that such Ground so demised be not more than One Mile distant from the Sea

Sea Shore, or be not Part or Parcel of the Demesne usually held and occupied with the Mansion House of the Owner of the said Lands, and provided the said Demise be made by Deed, and duly executed in the Presence of Two credible Witnesses, and provided the said Commissioners shall by Endorsement thereon certify their Consent and Approbation, and that the Tenant do execute a Counterpart thereof in like Manner in the Presence of Two credible Witnesses; and in case the Lessee or his Representatives shall duly fulfil his Covenants for building as aforesaid, the Premises granted and demised by such Lease shall be held and enjoyed by such Tenant, his Heirs and Assigns, according to the Nature of the Tenure, and notwithstanding any Judgment or Charge affecting the said Lands, or any Limitations in any Will or Settlement restraining such Lease as aforesaid.

Persons possessed of a several Fishery empowered to erect Stake and other fixed Nets for taking Salmon in any Estuary, &c.

18. And whereas Doubts exist with respect to the Right to use Stake Weirs and Stake Nets, Bag Nets, and other fixed Nets for the Purpose of catching Salmon in the Sea and Tide Ways along the Coast of *Ireland*, and it is necessary to define and declare such Right; be it therefore declared and enacted, That it shall and may be lawful for any Person legally possessed of or entitled to any several Fishery in or along any Estuary or Part of the Sea Coast in *Ireland* to fix or erect, or authorize and empower any Lessee or Assignee to fix or erect, within the Limits and Bounds of such Fishery, but subject to the Provisions of this Act, and such Regulations and Restrictions as may be made by the said Commissioners pursuant to the Powers hereinafter reserved to them, any Stake Weir, Stake Net, Bag Net, or other fixed Net for the taking of Salmon: Provided

vided always, that the placing or Erection of such Stake Nets or other fixed Nets as aforesaid shall not give or confer any Right or Title to the Occupancy of the said Shore (except for the Purpose of attaching the said fixed Nets thereto); saving to the Queen's most Excellent Majesty, and all the Subjects of this Realm, the free and full Exercise and Enjoyment of all other Rights of Fishing, or other Rights whatsoever, in or along the said Sea Shore or Coast, or the Shore of such Estuary as aforesaid, subject to the Provisions herein contained.

Proprietors and Lessees of Lands adjoining Sea Coast empowered to erect fixed Nets where no several Fishery exists.

19. And be it enacted, That it shall and may be lawful for every Person who shall hold and occupy as Tenant in Fee Simple or in Fee Tail, or as Tenant for Life, or as Tenant under any Lease for a Life or Lives, or as Tenant for a Term of Years of which not less than Fourteen Years shall be unexpired at the Time of first erecting such Net, any Land adjoining the Sea Shore, or any Estuary, not being within the Limits of any such several Fishery, but subject to the Provisions of this Act, and to such Regulations and Restrictions as may be made by the said Commissioners as aforesaid, to fix or erect such Stake Net or other fixed Nets as aforesaid attached to that Part of the Shore adjoining such Land: Provided always, that no Tenant under any Lease for a Life or Lives determinable, or for Years, of which less than One hundred shall be unexpired, shall be empowered to fix or erect such Stake Nets or other fixed Nets as aforesaid without the previous Consent in Writing of the chief Landlord or Lessor seised of any Rent and Reversion in such Land; and provided also, that the placing or Erection of such Stake Nets or other fixed Nets as aforesaid shall not give or confer any Right or Title to the Occupancy of the said Shore (except

Proviso.

cept for the Purpose of attaching the said fixed Nets thereto during such Occupancy of the Land as aforesaid); saving to the Queen's most Excellent Majesty, and all the Subjects of this Realm, the free and full Exercise and Enjoyment of all other Rights of Fishing, or other Rights whatsoever, in or along the said Sea Shore or Coast, or the Shore of such Estuary as aforesaid, subject to the Provisions herein contained.

Saving of the Right of the Crown and all other Persons to the Use of the Shore.

Size of Meshes of Stake, Bag, or other Sea Net.

20. And be it enacted, That no Drag, Stake, Bag, or other Net or Engine for the taking of Salmon, with Meshes or Openings of less Size than Two Inches and a Half between Knot and Knot or Angle and Angle, to be measured on each Side of the Square, or Ten Inches measured round each such Mesh or Opening in the clear when wet, allowing Four Knots or Angles to each Mesh or Opening, nor any Engine for the taking of Salmon which shall be formed of Wood, Iron, or other rigid Material, with Meshes or Openings of less Width than Three Inches on each Side of the Square, and where no Meshes or Openings of the Nature of Reticulations shall be used of less Width between the Bars than Two Inches, shall be used on any Part of the Coast of *Ireland*, or within any of the Bays, Estuaries, or Tide Ways thereof, save and except by the Proprietor of the whole of the Fishery of the River flowing into such Bay, Estuary, or Tide Way, from the Mouth to the Source thereof, including its tributary Streams; and that if any Person shall offend by using any such Drag, Stake, Bag, or other Net or Engine, with Meshes or Openings of less Width than aforesaid, he shall for such Offence forfeit and pay any Sum not exceeding Ten Pounds; and such Drag, Stake, Bag, or other Net or Engine shall also be forfeited.

21. Provided

No Stake or fixed Net to be so placed as to be injurious or detrimental to Navigation.

21. Provided always, and be it enacted, That no Stake Weir, Head Weir, Stake Net, Bag Net, fixed Net, or any Contrivance for placing or erecting a Net, shall in any Case be placed or erected in such a Manner as to be injurious or detrimental to Navigation; and that in Case any such Stake Weir, Head Weir, Stake Net, Bag Net, fixed Net, or any Contrivance for placing or erecting a Net now is or at any Time after the passing of this Act shall be so placed and erected as, in the Judgment of the said Commissioners, to be injurious and detrimental to Navigation, it shall and may be lawful for the said Commissioners, upon due Inquiry, after summoning before them the Owner or Owners of such Weirs or Nets, to declare such Weirs, Nets, or Contrivances as aforesaid a Nuisance; and the said Commissioners are hereby empowered, by Warrant under their Hands and Seals, to authorize any Person to abate and remove such Weirs, Nets, and Contrivances as aforesaid at the Expence of the Person placing or erecting the same; and if any Person shall again create the like Nuisance, every such Person shall for such Offence forfeit and pay a Sum not less than Twenty Pounds, or exceeding Fifty Pounds: Provided always, that nothing herein contained shall be construed or taken to affect or abridge the Powers of Her Majesty's High Court of Admiralty, or any other Jurisdiction, in relation to the placing or Erection of such Weirs, fixed Nets, or Contrivances.

Stake and other fixed Nets shall not be placed in the narrow Parts of Estuaries, nor in the Mouths of Rivers, or

22. Provided always, and be it enacted, That in such Parts of any Estuary or the Mouth or Tidal Part of any River, where the Breadth of the Channel at Low Water of Spring Tides is less than Three Quarters of a Mile Statute Measure, it shall not be lawful (any thing herein contained to the contrary notwithstanding) for any Person,

within One Mile thereof, where Breadth of same does not exceed Half a Mile.

son, save and except the Proprietor of a several Fishery in the whole of such Estuary and River, to erect any such Stake Weir, Stake Net, Bag Net, fixed Net, or Contrivance for placing or erecting a Net; and that where the Breadth of the Mouth or Entrance into the Sea of any River, the Inland Portion of which is frequented by Salmon, is less than Half a Mile Statute Measure at low Water of Spring Tides, it shall not be lawful for any Person whatsoever (save and except the Proprietor of a several Fishery within the Limits thereof) to place or erect any such Weir or Net within One Statute Mile Seaward, Coastwards, or Inwards from or on either Side of the Mouth or Entrance of any such River into the Sea, the Mouth or Entrance of such River to be defined and determined for such Purpose by the said Commissioners; and if any Person shall offend by erecting any such Stake Weir, Stake Bag, or other fixed Net contrary to the Provisions herein-before contained, he shall for every such Offence forfeit a Sum not exceeding Thirty Pounds, and shall also forfeit such Weir or Net; and the Stakes thereof shall be ordered, by the Justice imposing such Penalty as aforesaid, to be pulled down or destroyed at the Expence of the Person so offending.

Saving for Stake Weirs, &c. established 20 Years.

23. And be it enacted, That nothing herein contained shall be construed to render illegal any Stake Weirs and other Contrivances for placing or erecting Nets which have been established for Twenty Years or upwards before the passing of this Act, in any Estuary or Portion of River within a Tide Way of less Width than Three Fourths of a Mile at low Water of Spring Tides: Provided always, that nothing herein contained in regard to the Period during which such Weirs shall have been established or

otherwise

otherwise, shall be construed to increase, lessen, or affect the Title of any Party claiming to maintain such Weir, or any Party disputing such Title, but all Parties shall be entitled to their respective Rights as if this Act had not been passed, except so far as such Rights may depend on any Act hereby repealed, and provided also, that such Weirs and Contrivances shall in all other respects be subject to and the Persons using or owning the same bound by the Provisions of this Act.

Stake Weirs, &c. erected for 10 Years or upwards within the Limits of a several Fishery not to be deemed illegal.

24. And be it enacted, That nothing herein contained shall be construed to render illegal any Stake Weirs, Ebb and Flood Weirs, and other Contrivances for placing or erecting Nets which have been established for Ten Years or upwards before the passing of this Act within the Limits of a several Fishery, in any Estuary, or Portion of a River within a Tide Way of less Width than Three Fourths of a Mile at Low Water of Spring Tides, by any Person legally possessed of or entitled to such several Fishery by Charter, Grant, Patent, Prescription, or Act of Parliament, in and by which such Limits are accurately defined: Provided always, that such Weirs and Contrivances shall in all other respects be subject to and bound by the Provisions of this Act.

Saving for Head Weirs.

25. And be it enacted, That nothing in this Act contained with regard to the Restriction upon the Erection of Weirs in Rivers and Estuaries less than Three Quarters of a Mile broad at Low Water of Spring Tides, shall be construed to apply to that ancient Description of Weir commonly called Head Weir, not fished by means of a fixed Net, but the Rights of every Party now legally entitled by Charter or prescriptive Right to the Erection and Maintenance of such Weir

shall continue the same as if this Act had not passed: Provided always, that such Weir shall in all other respects be subject to and the Persons using or owning the same bound by the Provisions of this Act.

Stake Nets shall not extend further than from High to Low Water Mark.

26. And be it enacted, That no Stake Weir, Stake Net, nor any Leader, Outrigger, or other Work of any Kind or Description whatsoever connected therewith or adjacent thereto, now erected or hereafter to be erected, shall be placed or erected or suffered to remain in such a Manner as that the same shall extend to a greater Distance than from High Water to Low Water Mark of Spring Tides, save and except in the Case of Ebb and Flood Weirs, commonly called Head Weirs, not fished by means of a fixed Net; nor shall any such Weir be so constructed as, in the Judgment of the said Commissioners, to be capable of taking young or unsizeable Fish, or the Fry of Salmon or of any other Fish; and the Nets made use of in the Formation and Construction of the said Stake Weirs or Stake Nets, and of the Leaders of all Bag or other fixed Nets, shall be extended evenly, in such a Manner that the Meshes of the said Nets shall be stretched to their full Opening; and that all Bag Nets shall be so placed and erected as that the Netting of the Leaders thereof can be raised and kept out of the Water; and that Stake Weirs, Stake Nets, and other fixed Nets shall be so placed and erected as that clear Openings for the free Passage of Fish, as herein-after provided, can be made in the Pouches and Traps thereof; and if any Person shall offend by erecting, forming, or placing any Weir, Net, Leader, Engine, or Work in any Manner hereby prohibited, or neglected to construct the same in the Mode required by the Pro-

Further Regulations as to Stake, Bag, and other fixed Nets.

visions

visions herein-before contained, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Nets for taking Salmon not to be used at the Mouths of narrow Rivers, nor to be stretched across the Mouths or any other Parts of Rivers.

27. And be it enacted, That it shall not be lawful for any Person save and except the Proprietor of a several Fishery within the Limits thereof at any Time to shoot, draw, or use any Net for taking Salmon at the Mouth of any River opening into the Sea (the Inland or Fresh Water Portion of which River is frequented by Salmon), where the Breadth of such Mouth between the Banks thereof shall not exceed a Quarter of a Mile Statute Measure; and that it shall not be lawful for any Person, save such Proprietor as aforesaid, within such Limits as aforesaid, to shoot, draw, or use any Net for taking Salmon within Half a Mile Seaward, or along the Coast from the Mouth of any such River, such Mouth to be defined and ascertained, in case of Dispute, by the said Commissioners; and that it shall not be lawful for any Person, save and except the Proprietor of a several Fishery in the whole of a River and its Tributaries, within the Limits of such several Fishery, to shoot, draw, or stretch Nets entirely across the Mouth or across any other Part of any River; and if any Person shall offend by shooting, drawing, or using any Net in any Place or Manner hereby prohibited, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Penalty on Persons assaulting or obstructing any Person fishing in a legal Manner.

28. And be it enacted, That if any Person shall resist or obstruct any Persons lawfully engaged in fishing, or in proceeding to fish, or in returning from fishing as aforesaid, or shall wilfully and maliciously place any Net or other Engines, with the Intent and Design to prevent Fish from entering the Nets of other Persons set

set or placed in a legal Manner according to the Provisions of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and every such Net or other Engine so placed as aforesaid shall also be forfeited.

From 1st Jan. 1844, the Close Season for Salmon to be from 20th of August to 12th of February.

29. And be it enacted, That from and after the First Day of *January* in the Year One thousand eight hundred and forty-four no Fish of the Salmon Kind shall be taken in or from any River, Lake, or Estuary whatsoever, or on the Sea Coast, between the Twentieth Day of *August* in any Year and the Twelfth Day of *February* in the Year following, by any Person, save and except in any River, Lake, or Estuary, or on any Part of the Sea Coast, where the catching of Salmon shall be permitted during such Period by the said Commissioners in conformity with the Powers herein-after vested in them for that Purpose.

Close Season for Trout, 1st of October to 12th of February.

30. And be it enacted, That no Person shall kill, take, or destroy, in any Lakes or Rivers, any Trout, between the First Day of *October* in any Year and the Twelfth Day of *February* in the Year following; nor shall any fixed Crib, Cruive, Box, or other Device, nor any Draw, Haul, or other Net of any Description, for the catching of such Trout, be used, in any Lake or River frequented by Salmon, between the Twentieth Day of *August* aforesaid and the First Day of *October* in any Year, or at such Periods between the Terminations respectively of the Open Seasons for catching Salmon and Trout as may be fixed for certain Lakes and Rivers by the said Commissioners as herein-after mentioned.

Fixed Nets or Engines for the taking of Eels

31. And be it enacted, That it shall not be lawful for any Person whatsoever, between the Tenth Day of *January*

January and the First Day of *July* in any Year, to hang or fix any Coghill, Eel, or other Net or Basket, or Basket Work, in the Eye, Gap, or Sluice of any Eel or other Weir in any River, or to make use of any other fixed Engine for taking Eels, or between the First Day of *July* in any Year and the Tenth Day of *January* in the Year following to keep or leave such Net, Basket, or other Engine set, or in the Water, in the Eye, Gaps, or Sluices of such Eel or other Weirs, between Sunrise and Sunset.

shall not be set in inland Rivers between 10th of January and 1st of July.

32. And be it enacted, That it shall not be lawful for any Person, between the First Day of *May* and the First Day of *September* in any Year to dredge for, take, catch, or destroy any Oyster or Oyster Brood, save and except where the Season for taking the same shall be changed by the Commissioners according to the Provisions herein-after contained.

Close Season for Oysters, 1st of May to 1st of September.

33. And whereas it may be found that the Periods herein-before fixed within which it shall not be lawful to take Salmon and Trout, or to take Eels by means of Eel Weirs, Coghill Nets, Baskets, or other fixed Engines or Cruives, and the Period herein-before fixed within which it shall not be lawful to dredge for Oysters, may require to be changed as respects the Fisheries in different Localities; be it therefore enacted, That it shall and may be lawful for the said Commissioners, if they shall so think fit, upon the Application of any Person possessed of or interested in any such Fishery as aforesaid, to call a Meeting of the Persons possessed of or interested in such Fisheries, giving Notice of the Day and Place appointed for such Meeting, by printed Handbills, and Advertisement to be inserted once in each Month, for Three Months prior thereto, in some Newspaper

Commissioners empowered to alter the Close Season in any River or District, upon Inquiry had, and Proof that such Alteration is expedient.

Newspaper or Newspapers published and circulating in the County or several Counties within which, or on the Coast whereof, such Fisheries are in whole or in part situated; and it shall be lawful for the said Commissioners to issue Summonses for Witnesses to attend and give Evidence with respect to the said Fisheries; and the said Commissioners shall hear and receive all such pertinent Evidence as shall be offered to them on the Subject of the said Fisheries, and shall examine and inquire into the same, upon Oath or otherwise, and by all such Means as may be deemed expedient by them, and may if they shall so think fit, decide that the Period herein-before appointed for the Close Time of such Fisheries respectively shall cease, and that such other Period as shall then be fixed upon by them as the Close Time for any of such Fisheries shall be kept and observed in lieu thereof, or alter, if so required as aforesaid, the Period within which it shall not be lawful to hang any Coghill or other Nets in the Gaps, Eyes, or Sluices of Eel or other Weirs, or make use of fixed Engines for taking Eels: Provided always, that such Close Season or Period during which it shall not be lawful to take Salmon shall not comprise fewer than One hundred and twenty four Days in each Year, and also that the Expences of the Application, and all Proceedings consequent thereon, shall be defrayed by the Person or Persons who shall have signed such Application; and provided also, that the Close Season for Salmon in all Rivers in *Ireland* shall, as herein-before provided, remain, as at present, until the First of *January* One thousand eight hundred and forty-four.

Decision of Commissioners as to Close

34. And be it enacted, That the Decision as to the Close Time of any District, or of any Lake or River, or as

as to the Periods within which it shall be lawful to take Eels by means of Eel Weirs, Coghill Nets, Baskets, or other fixed Engines, shall be published in the *Dublin Gazette*, and in some one Newspaper circulating in the County or each of the Counties within which such District is in whole or in part situated, or such Lake or River is situate, or in whole or in part flows, and a Copy thereof lodged in the Office or Offices of the Clerk or Clerks of the Peace, and Clerks of Petty Sessions, for such County or Counties aforesaid; and the said Commissioners shall give to said Decision such further Publicity, either by the posting of Handbills or otherwise, as to them shall seem fit; and for the Purpose of convicting any Person or Persons offending against such Decision a Copy of the Gazette containing such Decision, or an attested Copy of such Decision, obtained from the Office of the Clerk of the Peace with whom the same may be lodged, and who is hereby required to furnish the same on Payment of a Sum not exceeding Twopence for every Seventy-two Words, shall be conclusive Evidence of the Existence of such Decision and the due Publication thereof: Provided always, that in case the said Commissioners shall decide upon altering the Close Season herein fixed for such Fisheries as aforesaid, such Change or Alteration shall not commence and take effect until the Expiration of Three Months from the Date of the said Decision.

Season shall be published.

35. And be it enacted, That the Close Time so fixed shall be the Close Time of the District or of the Lake or River in respect of which such Decision shall have been made, instead of the Time mentioned in this Act, and shall be observed and kept as if the Time so determined by the said Commissioners had been mentioned in this Act,

Close Season thus determined to continue for Three Years, and until like Proceedings for Alteration shall be again had.

Act, and shall thereafter continue so to be until changed by the said Commissioners; and that at any Time after the Expiration of Three Years from the Commencement thereof, or at any Time after the Expiration of a like Period of Three Years from the Commencement of any subsequent Change to be made in pursuance of the Provisions of this Act, it shall and may be lawful for the said Commissioners, upon the like Application, and if upon like Inquiry they shall so think fit, again to change the same; and the same Proceedings towards the so doing as are herein-before prescribed in relation to the first Change shall take place on each such future Change, and the same Provisions shall apply thereto.

Penalty for any Person catching, taking, having in his Possession, or offering for Sale, Salmon or Trout caught in Close Seasons.

36. And be it enacted, That if, during the Close Season for Salmon now fixed by any Act in force in *Ireland*, or which after the First Day of *January* One thousand eight hundred and forty-four will become fixed by this Act, or shall be from Time to Time fixed by the said Commissioners as aforesaid, as the Close Time for or in respect of any River, Lake, Estuary, or any Part of the Sea Coast, any Person shall wilfully take or fish for, or aid or assist in taking or fishing for, any Salmon or Trout therein or therefrom, such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence, and shall also forfeit every Fish so taken, and every Net or Engine by which the same may have been taken; and if any Person shall buy, sell, or expose to Sale, or have in his Custody or Possession, any Salmon or Trout so caught in such Close Time as aforesaid, such Person shall forfeit each and every such Fish, and a Sum not exceeding Two Pounds for each such Fish; and in any Proceeding for the Recovery of

of the said last-mentioned Penalty Proof that such Person had the Salmon or Trout in his Custody or Possession during such Close Season shall be *primâ facie* Evidence that the said Salmon or Trout was caught during the Close Season as aforesaid; and if any Person shall place or hang any Coghill or Eel Nets or Baskets, or other fixed Modes of catching Fish, in the Eyes, Gaps, or Sluices of Eel or other Weirs, within the Periods prohibited by this Act, or to be prohibited by the said Commissioners in pursuance of this Act, such Person shall forfeit such Nets, and shall pay or forfeit a Sum not exceeding Ten Pounds for each such Net; and if any Person shall hang or set, or leave hung or set, such Nets as last aforesaid, between Sunrise and Sunset, within the Periods allowed for the said Fishery, such Person so offending shall forfeit the said Nets, and shall pay or forfeit a Sum not exceeding Five Pounds for each such Net; and in any Proceedings against any Person for the Recovery of any Penalty incurred by Violation of the Provisions aforesaid, Proof that such Person is the Occupier of such Weir shall be *primâ facie* Evidence that the said Nets were hung or set, or left hung or set, by him; and if any Person shall dredge for, take, catch, or destroy, have in his Possession, sell, or buy, any Oysters or Oyster Brood within the Period prohibited by this Act, or within the Period to be prohibited by the said Commissioners in pursuance of this Act, such Person shall forfeit such Oysters, and forfeit and pay a Sum not exceeding Five Pounds for each Offence; provided that nothing herein contained shall be construed to prevent the Proprietor of any Oyster Bed, or any Person deriving under him, from removing or laying down Oyster Brood during such Close Season.

All Machinery, Nets, and Tackling for the taking of Salmon, &c. in Salmon Weirs, or other fixed Engines, shall be wholly removed during Close Seasons.

37. And be it enacted, That during the Close Season for Salmon so fixed by any Act now in force in *Ireland*, or which shall after the First Day of *January* One thousand eight hundred and forty-four become fixed under this Act, or which shall be fixed as aforesaid by the said Commissioners, every Occupier or Farmer of any Fishery shall remove and carry away or cause to be removed and carried away, from such Fishery, and the Weirs, Dikes, and Dams connected therewith, and from the River or Stream in which such Weirs, Dikes, or Dams are placed, and from the Landing Places adjoining thereto, all and every Engine, Spear, Hand Net, or other Net, Inscale, Hecks, and Rails of all Cruives, Boxes, or Cribs, used for the Purpose of taking or killing Salmon, and the Tops of such Cruives, Boxes, or Cribs, and all Planks and temporary Engines and Fixtures used and required for the fishing of the same; and that all and every Obstruction to the free Passage of the Fish in and through each and every such Cruive, Crib, or Box be wholly removed and carried away within Thirty-six Hours after the Expiration of the Open Season so fixed as aforesaid, and shall not be again placed or allowed to be placed or to remain therein until within Thirty-six Hours of the Commencement of such Open Season; and in case any such Occupier or Farmer shall omit or neglect so to remove all and every such Net, Engine, or other Tackle, Contrivance, or Obstruction as aforesaid, and to keep the same apart from the said Fisheries during the Time aforesaid, or shall neglect to maintain and keep such Cribs, Boxes, or Cruives free from all Obstructions to the Passage of Fish during the Time aforesaid, he shall forfeit all such Nets, Engines, or other Tackle or Contrivance as aforesaid,

Penalty for neglect.

said, and shall for every such Offence forfeit and pay a Sum not exceeding Fifty Pounds, and shall also, for every Day during which he shall suffer such Obstacles and other Things to remain and be unremoved beyond the Period prescribed by this Act, forfeit and pay a Sum not exceeding Five Pounds; and it shall be lawful to and for the Justice of the Peace before whom the Person so offending shall be convicted to order the Removal and Sale of such Nets, Engines, or other Tackle at the Expence of the Person so offending: Provided always, that nothing herein contained shall be construed to render liable to any Penalty any Person who shall be prevented by Floods, Storm, or Stress of Weather from removing any such Net, Engine, or Tackle during the Continuance of such Prevention; and provided also, that the Proprietor or Farmer of any Salmon Weir, now legally entitled by Patent, Charter, or otherwise, to a Right of Fishing for Eels in such Weir, and who has exercised such Right previous to the passing of this Act, shall not be liable to any Penalty on account of his placing, hanging, or using Coghill or Eel Nets or Baskets in the Eyes or Gaps of such Weir, if such Coghill or Eel Nets or Baskets be only used in conformity with the Provisions of this Act, and be only hung in Four Fifths in Number of the Eyes or Gaps of such Weir, and the other One Fifth of such Eyes or Gaps, in addition to the Queen's or free Pass, be kept open and unobstructed for the free Passage of all Kinds of Fish, as herein provided; and provided also, that nothing herein contained shall be construed to exempt such Proprietor or Farmer from Liability to the Penalties by this Act directed in case any Salmon or Trout shall be killed, taken, or caught in such Weir during

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during Close Season, or in case he shall not keep open and unobstructed, according to the Provisions of this Act, One Fifth in Number, as aforesaid, of the Eyes or Gaps of the said Weir.

All Bag, Sole, Fly, or Stake Nets and other Engines for catching Salmon in the Tide Way shall be removed during Close Season.

38. And be it enacted, That during the Close Season for Salmon so fixed under any Act now in force, or which shall after the said First Day of *January* One thousand eight hundred and forty-four become fixed by this Act, or which shall be fixed by the said Commissioners as aforesaid, every Proprietor, Lessee, or other Person who shall be engaged in fishing for Salmon by means of fixed Engines, shall remove and carry away, or cause to be removed and carried away, from the Poles or Fixtures to which they shall be attached, all Stake Nets, Bag Nets, Sole Nets, Fly Nets, or other Devices or Engines used for the Purpose of taking Salmon, except where such Nets, Devices, or Engines shall be formed of Wood, Iron, Copper, or other rigid Substance, in which Case a clear Opening of Four Feet in Width shall be made and maintained in and completely through the Pouches, Traps, or Chambers of all such Nets, Devices, or Engines, from the Top to the Bottom of such Pouches, Traps, or Chambers, and in the Eyes of Flood and Ebb Weirs, commonly called Head Weirs, so as to allow the free Passage of Salmon and other Fish through the same, and effectually to prevent the catching or taking of any Fish therein; and in case any such Person shall omit or neglect to remove or carry away all such Nets and Engines, or, as the Case may be, to make and maintain free from all Obstruction such Openings as aforesaid, during the Times aforesaid, he shall forfeit all such Nets or Engines, and

Penalty.

shall forfeit and pay a Sum not exceeding Fifty Pounds, and

and shall also for every Day during which such Nets or Engines shall remain and be unremoved beyond the Period prescribed by this Act, forfeit and pay a Sum not exceeding Five Pounds: Provided always, that nothing herein contained shall be construed to render liable to any Penalty any Person who shall be prevented by Storm or Stress of Weather from removing such Nets or Engines, or making such Openings as aforesaid, during the Continuance of such Prevention.

Saving for Weirs to catch White Sea Fish.

39. And whereas Soles, Turbot, Sprats, Hake, and other White Sea Fish are now caught by means of Weirs in the Tide Ways of certain Rivers during the Close Salmon Season, and it is expedient that such Fisheries should, under certain Restrictions, be permitted; be it enacted, That it shall be lawful for all Persons now legally entitled by Charter or prescriptive Right to the Use of such Weirs to continue to use them for the Purpose of catching White Fish, notwithstanding its being the Close Salmon Season, provided they obtain the Licence of the Commissioners appointed under this Act to do so; and it shall be lawful to the said Commissioners to issue their Licence accordingly for such Period as they may think proper; provided, however, that all such Weirs shall be subject in all other respects to the Provisions of this Act, and to such Bye Laws and Regulations as may be made in regard to them by the said Commissioners pursuant to the Powers reserved to them in this Act.

Salmon or Trout not to be taken in any Traps, Nets, or fixed Engines from Six o'Clock on Saturday Evening to Six

40. And be it enacted, That it shall not be lawful, in inland Lakes or Rivers, to take, kill, or fish for any Salmon or Trout in or by any Crib, Box, Cruive, Eye, Sluice, or Gap in any Eel or other Weir or Dam, or by any Nets of what Nature or Kind soever, between Six of

o'Clock on Monday Morning.

of the Clock on *Saturday* Evening and Six of the Clock on *Monday* Morning; and that it shall not be lawful, in the Sea or any Estuaries or Tide Ways, to take, kill, or fish for any Salmon or Trout in or by any Stake, Flood, Ebb, or Head Weir, Stake Net, Bag Net, fixed Net, or other Net whatsoever, between the Low Water next in point of Time before Six of the Clock on *Saturday* Night and the Low Water next in point of Time before Six of the Clock on *Monday* Morning, but that in each of such Stake, Flood, Ebb, or Head Weir, and Stake Net, a clear opening of at least Four Feet in Width shall be made, and kept free from Obstruction, in the Pouches, Traps, Chambers, or Eyes of the same, from the Bottom to the Top thereof, so as effectually to allow of the free Passage of Salmon and other Fish through such Pouches, Traps, Chambers, and Eyes during such weekly Close Time; and that the Netting of the Leader of each and every such Bag, Fly, Sole, or other fixed Net of similar Construction, shall during such Time be raised and kept out of the Water; and also that in all Rivers, Lakes, and Tide Ways all other Nets and Baskets whatsoever, except those used for the taking of Eels, shall be wholly removed and taken out of the Water for and during the Space of Time above mentioned; and the Inscales or Gates and Rails or Framework of all such Cribs, Boxes, or Cruives for the catching of Salmon, or other Fish of the Salmon Kind, shall be removed out of or opened in each such Crib, Box, or Cruive, Eye, Sluice, or Gap, in every Salmon or other Weir wherein Salmon may be caught, in such a Manner that a clear Opening of not less than Four Feet in Width from the Bottom to the Top of each such Crib, Box, or Cruive shall be left therein, and that a free, direct, and uninterrupted Space

Leaders of Bag Nets, &c. to be removed during that Time.

A free Passage of Four Feet wide to be left during that Time through

or

or Opening of the said Width shall be effectually secured for the Passage of Fish of all Kinds, both up and down, through such Boxes, Cribs, or Cruives; and any Person occupying or using any such Box, Crib, Cruive, Stake, Flood, Ebb, or Head Weir, Stake, Bag, or other fixed Net, Basket, or other Engines for catching Fish, and failing to remove or open the same as required by this Act, and any Person using any Means, Device, or Contrivance to prevent the free Passage through such Box, Crib, Cruive, or Engine, or in any Way or by any Means wilfully frightening or scaring, or attempting to frighten or scare, any Salmon or other Fish from passing through such Box, Crib, Cruive, Pouch, Trap, Eye, Sluice, Gap, or other Engine, or taking therein any Salmon between Six of the Clock on *Saturday* Evening and Six of the Clock on *Monday* Morning, or between the Low Waters next in point of Time to those Periods respectively, as the Case may be, shall for every such Offence forfeit and pay a Sum not less than Five Pounds and not exceeding Fifty Pounds: Provided always, that nothing herein contained shall be construed to render liable to any Penalty any Person who shall be prevented by Floods, Storm, or Stress of Weather from removing such Leaders, or making such Openings as aforesaid, during the Continuance of such Prevention.

each Crib or Trap for taking Salmon, &c.

Penalty.

41. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and forty-three, in all standing Weirs, Dams, or Dykes, of what Nature or Kind soever, which extend more than Half-way across any River at the lowest State of the Water thereof, or more than Halfway across any Branch thereof, for the Purpose of catching Salmon, Eels, or other Fish, a free Gap or Queen's Share shall be left or formed in the deepest

In all Salmon and other Weirs for the taking of Salmon or other Fish a free Gap or Queen's Share to be left.

deepest Part of such River or any such Branch as aforesaid, and shall be constructed in such Manner that the Sides of the said free Gap or Queen's Share shall be in the Line of and parallel to the natural Direction of the Stream of such River or Branch as aforesaid, and that the Bottom thereof shall be level with the natural Bed of such River or Branch as aforesaid above and below such Gap or Queen's Share, and that the Width thereof, at its narrowest Point, shall be not less than Forty Feet in the Clear in all such Rivers or Branches as aforesaid of and exceeding Four hundred Feet in Breadth, and not less in the Clear than One Tenth Part of the Breadth of such River or Branch thereof in all such Rivers or Branches as aforesaid of less than Four hundred Feet and not less than One hundred Feet in Breadth, and not less than Ten Feet in the Clear in all such Rivers or Branches as aforesaid of less than One hundred Feet and not less than Fifty Feet in Breadth, and not less than Five Feet in the Clear in all such Rivers and Branches as aforesaid of less Breadth than Fifty Feet, the Breadth of such Rivers or Branches as aforesaid in all Cases to be ascertained by measuring the Breadth of the natural Bed thereof at the Place where such Weir, Dam, or Dyke shall be erected, without reference to any Walls, artificial Banks, or Erections; and in Cases of Dispute relative to any of the Matters aforesaid the same shall be determined by the said Commissioners; and that in all Weirs, Dams, or Dykes in which a free Gap or Queen's Share at present exists, such free Gap or Queen's Share shall not be reduced in Width, nor shall any free Gap or Queen's Share of less Width be substituted in lieu thereof, any thing herein contained to the contrary notwithstanding; and if any Person entitled to or possessed

sessed of the Fishing of such River or Branch thereof, or any Weir, Dam, or Dyke, shall omit or neglect to leave or form such free Gap or Queen's Share of the Dimensions, or in the Place, or to construct it in the Manner herein-before required, or shall reduce the Width of any existing free Gap or Queen's Share, or substitute a free Gap or Queen's Share of less Width in lieu thereof, such Person so offending shall forfeit and pay a Sum not exceeding Fifty Pounds, and shall also for every Day during which such free Gap or Queen's Share shall not be left or formed of the Dimensions, or in the Place, or shall not be constructed in the Manner herein-before required, or shall be reduced in Width, or shall remain of less Width than that in lieu of which it is substituted, forfeit and pay a Sum not exceeding Five Pounds: Provided always, that the Person entitled to or lawfully possessed of any Weir, Dam, or Dyke, in which by Law no such free Gap or Queen's Share could previous to the passing of this Act be enforced to be made or widened, shall not be liable to any Penalty by reason of his not widening or making, as the Case may be, such free Gap or Queen's Share, until his Claim (if any) for Compensation for the Loss or Damage he may sustain by widening or making such free Gap or Queen's Share be settled and disposed of, and the Amount of Compensation (if any) paid, tendered, or lodged, according to the Provisions herein-after contained.

Commissioners may require Owners of Weirs in certain Cases to make Gaps therein, and furnish a Claim for Compensation.

42. And be it enacted, That in all Cases of Weirs, Dams, and Dykes in which no free Gap or Queen's Share could by Law previous to the passing of this Act be enforced to be made, or in which the free Gap or Queen's Share shall not be of the Width herein-before specified, and could not by Law previous to the passing

of this Act be widened, it shall be lawful for the said Commissioners, upon the Application of any Proprietor of Fisheries in or Lands adjoining to the River in which any such Weir, Dam, or Dyke shall be situate, and who shall deposit or secure, to the Satisfaction of the said Commissioners, the Amount of the Cost of all Proceedings necessary to be taken under the Provisions herein contained, to serve a Notice on the Proprietor, Lessee, or Occupier of such Weir, or at his or their known Place of Abode, and thereby to require the Proprietor of such Weir, Dam, or Dyke to enlarge or open a free Gap or Queen's Share therein of such Dimensions as the said Commissioners shall deem fit and shall name in such Notice, not exceeding the Dimensions hereinbefore specified, and to furnish his Claim for Compensation, or his Objections, if any, to making or widening such free Gap or Queen's Share within a Time to be specified in such Notice, not less than Thirty Days from the Service thereof on the Proprietor, Lessee, or Occupier of such Weir.

Satisfaction may be made and accepted.

43. And be it enacted, That every Proprietor or other Owner of any such Weir, Dam, or Dyke, or of any Share, Estate, or Interest therein, may accept and receive as Satisfaction and Recompence for the Value of any Injury or Damage that shall be sustained on account of opening or enlarging such free Gap or Queen's Share, or in anywise relating thereto, such Sum of Money in respect thereof as shall be agreed upon between him respectively and the said Commissioners; and in case the said Commissioners and the said Party interested in such Weir, Dam, or Dyke, or sustaining such Injury or Damage, cannot or do not agree as to the Amount or Value of such Satisfaction, Recompence, or Compensation,

tion, the same respectively shall be ascertained and settled in manner herein-after directed.

Commissioners empowered to assess the Value in case of Dispute.

44. And be it enacted, That if any such Proprietor of such Weir, Dam, or Dyke as aforesaid shall neglect or refuse to treat, or shall not agree with the said Commissioners, or, by reason of Absence or Disability, cannot agree, or cannot be found or known, or shall not prove to the Satisfaction of the said Commissioners a clear Title to receive such Recompence or Compensation as aforesaid, or in case any such Proprietor of a Weir, Dam, or Dyke wherein such Gap is to be opened or enlarged as aforesaid shall not accept such Satisfaction or Recompence for the same as shall be offered by the said Commissioners, for the Space of Thirty Days after Notice in Writing given to the known Agent or Attorney of such Proprietor as aforesaid, or left at his Place of Abode, or at the House of the Lessee of such Weir, wherein such Gap is intended to be opened or enlarged as aforesaid, or in case the Proprietors of Fisheries in or Proprietors or Owners of Lands adjoining the River in which such Weir, Dam, or Dyke shall be situate shall not agree with the Proprietor of such Weir, Dam, or Dyke, or shall not subscribe and deposit the Amount which the said Commissioners may agree upon with the said Proprietor of such Weir, Dam, or Dyke as the Amount of Compensation to be paid for enlarging or opening such free Gap, or Queen's Share, or shall not agree upon the Proportions in which such Amount of Compensation is to be paid by the several Proprietors respectively, then in every such Case the said Commissioners are hereby empowered, at a Time and Place to be specified in a Notice to be served as aforesaid, and published once in the *Dublin Gazette*, and

and once in each Week for Three successive Weeks in a Newspaper circulating in the County or Counties in which such Weir, Dam, or Dyke shall be situate, and through or by which such River shall flow, to inquire and examine, and assess and award the Sum of Money to be paid for such Satisfaction or Recompence as aforesaid, and ascertain and settle in what Proportions the Proprietors of Fisheries in such River, or in any River or Stream tributary thereto, or Proprietors or Owners of Lands adjoining the same, should contribute to pay the Sum so awarded, and the said Commissioners shall award such Recompence so to be assessed; and the said Commissioners shall in such Award name or describe the Persons (if known to the said Commissioners) to whom respectively the Sum mentioned therein shall be paid, and in what Proportions the same shall be paid to and among such Persons, where more than One, and the Weir, naming or describing the same, in respect of which such Sum has been so awarded, and the Position and Breadth of such free Gap or Queen's Share, and the Names or other Description of the Fisheries or Lands, as the Case may be, the Proprietors or Owners of which are to contribute the Amount awarded for such Satisfaction or Recompence as aforesaid, and the Proportion to be contributed by each respectively; and the said Commissioners shall notify and appoint a Time and Place for holding a Meeting for the Confirmation of their said Award, and shall attend at such Time and Place, and at such Meeting, or at some Adjournment thereof, proceed to consider each Case, and hear all Objections which may be made thereto by any Person whatsoever, and receive all such Evidence as they shall find pertinent and proper, and amend or confirm and settle

settle each such Award accordingly; and such Award shall be conclusive and binding upon the Queen's most Excellent Majesty, and all other Persons interested, except in the Case and subject to the Provisions hereinafter contained: Provided always, that the Person who shall under the Provision before mentioned be deemed a Proprietor of Lands, shall be the Proprietor in Fee Simple or Fee Tail, or for a Lease of Lives renewable for ever, or for Life, with Remainder to his Issue, or for ever, or for a Term of which not less than One hundred Years are unexpired, and from whom the Fishery or Right of Fishing shall not have been reserved.

Any Person dissatisfied with the Adjudication of the Commissioners may appeal to the Judge at the Assizes.

45. And be it enacted, That if the Proprietor or other Person claiming Compensation on account of such enlarging or opening of the free Gap or Queen's Share in such Weir, Dam, or Dyke, or any Person liable to pay such Compensation as aforesaid, shall be dissatisfied with the Award of the said Commissioners, it shall be lawful for the Person so dissatisfied to appeal to the Judges of Assize, or One of them, at the Assizes which shall be held next after any such Award shall have been made and settled as aforesaid for the County wherein such Weir, Dam, or Dyke, shall be wholly or in part situate, (provided the same shall not be held sooner than Thirty-one Days after the making of such Award,) the Party appealing, if there be sufficient Time after the making of such Award, having first given to the said Commissioners Twenty-one Days Notice at least of his Intention of bringing such Appeal, and of the Matter thereof; and if there shall not be Thirty-one Days between the making of such Award and the Day appointed for holding such Assizes, then such Appeal may

may be tried at the Assizes which shall be holden for such County next after the Expiration of Thirty-one Days from the making such Award, and the like Notice thereof shall be given; and any Judge at such Assizes, or any Adjournment thereof, upon due Proof of such Notice having been given, is hereby empowered and required to hear and finally determine the Matter of such Appeal, in such and the same Manner as he is at present empowered to do in Cases of Appeal from Decrees on Civil Bills made by Assistant Barristers at Quarter Sessions in *Ireland:* Provided always, that if such Dam, Weir, or Dyke shall be situate in more than One County or between Two or more Counties, such Appeal shall be tried at the Assizes to be held in the County the Assize Town of which shall be nearest to such Weir, Dam, or Dyke; and provided also, that if no Notice of Appeal shall be served on the said Commissioners within Twenty-one Days next after their Award shall be made, the same shall be final, binding, and conclusive upon all Persons and to all Intents and Purposes whatsoever.

Judgments to be final.

46. And be it enacted, That in all such Cases of Appeal as aforesaid the said Judges of Assize or One of them shall give Judgment in respect to the Matter of such Appeal, and such Judgment shall be final, binding, and conclusive to all Intents and Purposes against all Parties, Corporations, and Persons.

Awards and Judgments to be recorded.

47. And be it enacted, That such of the aforesaid Awards of the said Commissioners as shall not be appealed from, and the Judgments so given as aforesaid, shall be respectively transmitted to and be kept by the respective Clerks of the Peace of the Counties in which the Land in respect of which such Awards or Judgments shall

shall have been respectively made shall be situate, and shall be deposited with the Records, and deemed Records of such Counties respectively to all Intents and Purposes; and the same, or certified Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Sixpence, or to have Copies thereof, paying for every Copy the Sum of Three Halfpence for every Seventy-two Words, and so in proportion for any greater or less Number of Words.

If Two Thirds of Parties liable to pay the Compensation assent, Award or Judgment shall be binding on Remainder.

48. And be it enacted, That if the Persons who, under any Award or Judgment made as aforesaid, shall be liable to pay Two Thirds in Amount of the Sum so awarded, assessed, or ascertained, shall, at any Time subsequent to the depositing of such Award or Judgment with the Clerk of the Peace as aforesaid, signify to the said Commissioners their Assent in Writing to such Award or Judgment, then and in such Case the said Commissioners shall cause a final Notice to be served on the Proprietor, Lessee, or Occupier of such Weir, Dam, or Dyke, and a Copy thereof to be published once in the *Dublin Gazette*, and once in each Week for Three successive Weeks in some One or more Newspapers circulating in the County or Counties in which such Weir, Dam, or Dyke, shall be situate, stating that such Assent had been duly given, and that all the Requisites of this Act in respect to the making such Award or Judgment had been fully complied with, and calling upon all Parties liable under such Award or Judgment to pay to the said Commissioners, within a Time to be specified in such Notice, not less than Three Months from the Date thereof, the Sums of Money which

which such Parties thereby became liable to pay; and the Publication of such Notice shall be deemed final and conclusive Evidence that such Assent had been given, and that the several preliminary Measures herein-before required to be taken and observed in respect to such Award or Judgment had been duly taken and observed; and from and after the Publication of such Notice all the Proprietors for the Time being of the Fisheries or Lands named in such Award or Judgment shall be liable and bound to contribute the Sum awarded, assessed, or ascertained, in the Proportions fixed by such Award or Judgment.

If not paid, it may be sued for.

49. And be it enacted, That if any Portion of the Money so to be contributed shall remain unpaid to the said Commissioners after the Expiration of the Period fixed by such Notice as last aforesaid, then it shall be lawful for the said Commissioners to recover the same from the Proprietors of the Fisheries or Lands named or described in the said Award or Judgment, who shall make default in the Payment thereof, by Civil Bill, or by Action or Suit in any of the Superior Courts in *Dublin*.

Compensation to be paid over, when received, to Parties entitled.

50. And be it enacted, That upon Receipt of the Money so agreed, awarded, or adjudged to be paid as Satisfaction or Recompence for enlarging or opening such free Gap or Queen's Share in such Weir, Dam, or Dyke, under the Provisions herein-before contained, the said Commissioners shall forthwith pay over the same to the Parties entitled to receive the same by virtue of such Agreement, Award, or Judgment, subject to the Provisions herein-after contained.

Application of Compensation Money when

51. And be it enacted, That if any Money shall be adjudged or awarded to be paid for any free Gap or Queen's

Queen's Share so enlarged or opened as aforesaid by virtue of the Powers of this Act, in any Weir, Dam, or Dyke which shall belong to any Corporation, or to any Trustee or Feoffee, Executor or Administrator, or any Husband, Guardian, or Committee for or on behalf of any Feme Covert, Infant, Idiot, or Lunatic, or to a Tenant for Life, or any Person who shall have no Power to give a valid Receipt for the same, such Money shall in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland* in the name and with Privity of the Accountant General of the Court of Chancery or Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing this Act, setting forth the Title hereof, and without Fee or Reward, and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person who would have been entitled to the said Compensation as aforesaid, be invested by the said Accountant General, in his Name, in the Purchase of any Stocks, Funds, or Annuities transferrable at the Bank of *Ireland;* and the Dividends or annual Produce thereof shall from Time to Time be paid to the Person who would for the Time being have been entitled to the said Compensation as aforesaid.

amounting to or exceeding 200*l.*

52. Provided always, and be it enacted, That if any Money so adjudged or awarded to be paid for any Land, such Compensation as aforesaid belonging to any Corporation or to any Person as last aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Per-

When less than 200*l.* and amounting to or exceeding 20*l.*

son for the Time being entitled to the Compensation aforesaid, or of his Guardian or Committee, in case of Infancy, Lunacy, or other Incapacity, to be signified in Writing under their Common Seal or respective Hands (as the case may require), be paid into the Bank of *Ireland* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed; or otherwise the same may be paid, at the like Option, and with the like Approbation, to Two or more Trustees, to be nominated by the Person who for the Time being would be entitled to the Compensation as aforesaid, such Nomination to be approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties; and the Monies so paid to such Trustees, and the Dividends and Produce arising thereon, may be applied by such Trustees in like Manner as is herein-before directed with respect to the Money so to be invested in the Bank of *Ireland*, without being required to obtain any Order of the Court of Chancery or Exchequer touching the Application thereof.

When less than 20*l*.

53. Provided also, and be it enacted, That if any Money so adjudged or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in every such Case the same shall be paid to the Person who would for the Time being have been entitled to the Compensation aforesaid, for his own Use and Benefit, or in case of Infancy or Lunacy or other Incapacity, then to the Person acting as Guardian, Committee, or Trustee of such Person, to and for the Use and Benefit of the Person entitled thereto.

54. And

54. And be it enacted, That it shall not be lawful to construct or attach to, or permit to remain if already constructed or attached to, any Cruive Weir or Cruive Dam used for fishing in any River any Spur or Tail Wall, Leader or Outrigger, of any Kind or Description whatsoever, of a greater Length than Twenty Feet from the upper or lower side respectively of the Walls or Piers of such Weir or Dam, except the Wall or Leader connecting the Cribs of such Weir or Dam with the Bank of the River; nor shall any such Wall or Walls, Leader or Outrigger be so built or constructed as to narrow up or prevent the Ingress and Discharge of the Water through or from the free Opening or Queen's Share in such River or Stream; nor shall any Island or natural Formation in any River be so made use of as to secure the Proprietor of any Fishery the same Advantage which such Proprietor would have obtained by the Erection of a Tail Wall of greater Length than Twenty Feet; nor shall any such Walls or Leaders be constructed or suffered to remain in narrow Rivers or other places of a greater Length than the said Commissioners, upon Application made to them for that Purpose, shall determine and approve, any thing in this Act contained to the contrary thereof in anywise notwithstanding; and if any Person having a Fishing Weir or Dam shall construct, or suffer to remain if already constructed, any Spur or Tail Wall, Leader or Outrigger of greater Length than aforesaid, or of greater Length than the said Commissioners shall approve, shall offend contrary hereto, such Person so offending shall forfeit and pay a Sum not exceeding Twenty Pounds, and shall also for every Day during which such Spur or Tail Walls, Leader or Outrigger, so constructed

Spur and Tail Walls of such Queen's Share not to be more Twenty Feet long above or below the Walls of Fishing Weirs.

Penalty.

structed in contravention of the Provision of this Act, shall be allowed to remain, forfeit a Sum of Five Pounds.

Not to extend to Weirs, Banks, or Heads used for sustaining Mills and Navigation.

55. Provided always, and be it enacted, That nothing herein-before contained respecting the making or maintaining such free Gap or Queen's Share, or the Length of such Spur or Tail Walls, or such Island or natural Formation, shall be construed to extend to Weirs, Banks, or Heads used for sustaining a Supply of Water to Mills, Factories, or Navigation, so as injuriously to affect the necessary Supply of Water thereto, if such Weirs, Banks, or Heads shall not be made use of for the Purpose of taking Salmon or other Fish in any Manner whatsoever.

Saving for Mill Weirs legally used for fishing.

56. Provided always, and be it enacted, That if any Weir, Dam, or Bank used for sustaining a Supply of Water to Mills, Factories, or Navigation shall be, by virtue of Act of Parliament, Charter, or Prescription, legally used for the catching of Salmon or other Fish, nothing herein-before contained respecting the making or maintaining a free Gap or Queen's Share, or the Length of such Spur or Tail Walls, shall be construed to extend to such Weir, Dam, or Bank, so as injuriously to affect the necessary Supply of Water to such Mill, Factory, or Navigation.

No Obstructions shall be placed in, over, or near the Queen's Share, nor shall any Person fish in or near same.

57. And be it enacted, That no Person or Persons shall fish with Rod and Line or in any other Manner in any Part of such free Gap or Queen's Share in any Weir in any River, or hang, fix, set, or use, within the Space of Fifty Yards above or below any Part of such Weir, any Net, Basket, or other Engine whatsoever for the taking of Fish, or in order to deter or prevent Fish from going up or down the same, or place any Obstruction,

tion, or throw any Gravel, Clay, Stones, or other Matter into the same, nor shall beat the Water, or place or set any Bridge, Board, Cloth, or any other Thing whatsoever in, over, or across the same (save and except a temporary Bridge or Board during the Time only when the Persons engaged in the fishing of the said Weir shall be passing over the same), nor shall in any Manner prevent the free and uninterrupted Passage of Fish through the same at all Periods of the Year; and every Person offending herein shall for every such Offence forfeit and pay a Sum not exceeding Thirty Pounds; and all such Obstructions shall be forthwith removed at the Expence of such Person upon the Order of the Justice imposing such Penalty as aforesaid; and in any Proceeding against any Person for the Recovery of any Penalties incurred by Violation of the Provisions aforesaid, Proof that such Person is the Occupier or Owner of such Weir shall be taken as *primâ facie* Evidence that such Obstructions were placed by him.

Regulations as to Cribs, Cruives, or Boxes in fixed Weirs, for the taking of Salmon, &c.

58. And be it enacted, That every Box, Crib, or Cruive used for the taking of Salmon shall be so constructed that the upper Surface of the Sole or Bottom thereof shall be level with the natural Bed or Channel of the River; and the Inscales of every Box, Crib, or Cruive shall be so constructed that no Part of the Bars thereof shall approach nearer to each other than Two Inches, and that the same shall be capable of being removed, and during the weekly Close Period such Inscales shall be opened to the full Width of Four Feet, and during other Close Periods such Inscales shall be wholly taken out, so that the Space within the Box shall present no Obstruction or Obstacle whatever to Salmon passing through such Box, Crib, or Cruive; and

and the Bars or Rails of such Inscales, and of the Heck or the up-stream Side of the Box or Crib, shall be so constructed that no Part of the Rails thereof shall approach nearer to each other than Two Inches; and such up-stream Rails shall be placed perpendicularly, and during the weekly Close Time be either entirely removed and taken out, or so opened or fastened back that a Space of Four Feet shall be completely free and clear in each such Box, Crib, or Cruive; and the said Commissioners are hereby authorized from Time to Time to make such Orders or Regulations with respect to the Formation and Structure of such Boxes or Cribs, or other fixed Engines for catching Salmon, as shall be deemed expedient and necessary to suit any improved Methods proposed to be adopted; and any Person using or constructing any such Box, Crib, or Cruive contrary to the Provisions of this Act, or to the said Orders and Regulations, shall for each such Offence forfeit and pay a Sum not exceeding Twenty Pounds: Provided always, that in all Cases in which the principal or a considerable Part of the Value of any Weirs has hitherto consisted in catching Trout, the said Commissioners are hereby authorized from Time to Time to regulate and to make Orders for the Regulation of such Weirs, and of the Boxes, Cribs, and Cruives therein, so as to lessen the Space between the Inscales and Rails thereof respectively to such Space as shall be fit and proper for the catching of Trout.

Power to enforce the Construction of fixed Weirs, in conformity with the Provisions of this Act.

59. And be it enacted, That if the Proprietor or Farmer of any Weir, Dam, Dyke, Crib, or Box for the taking of Fish shall not, on or before the First of *January* One thousand eight hundred and forty-three, or, so far as relates to the enlarging or opening a free Gap

Gap or Queen's Share in Cases where, under the Provisions aforesaid, Compensation is to be paid, within such Time after the Payment of such Compensation as the said Commissioners shall appoint, alter such Dam, Weir, or Works, and complete or construct the same, or remove the illegal and objectionable Parts thereof, so as to make the same conformable to the Provisions of this Act, or to the Orders and Regulations of the said Commissioners, it shall and may be lawful for the said Commissioners to make or open, or order and direct, by a Warrant under their Hands and Seals, to be made or opened, a Gap of the prescribed Dimensions, and the Tail and Spur Walls of such Weirs or Dams to be removed or altered, and the Railwork or Inscales of Cribs not made in compliance with this Act to be removed, and all other necessary Alterations to be made in such Weirs, Dams, or Dykes, Cribs or Boxes, at the Expence of the Offender; and it shall be lawful for the said Commissioners, or any Person authorized by them, to enter upon such Dam, Weir, or Works as aforesaid, and to do all such Acts as shall be necessary for the Execution of such Warrant.

Commissioners not bound to do more than open the Passages required by this Act, and not liable for consequential Damages.

60. And be it enacted, That in all Cases where the said Commissioners shall, by virtue of the Provisions in this Act contained, open or cause to be opened in any Weir, Dam, or Dyke, a Gap of the Dimensions prescribed by this Act, or remove any Obstructions hereby declared to be illegal, it shall not be necessary for the said Commissioners, or any Person executing their Orders, to rebuild any Part of such Weir, Dam, or Dyke, or of the Works appertaining thereto, nor to fix up or erect altered or improved Boxes, Rails, or Cruives, nor shall they be answerable or accountable for any

any Damage or Injury arising to such Weir, Dam, or Dyke, or to such Box, Rail, or Cruive, in consequence of such Removal as aforesaid.

Nothing herein contained to legalize any Weir, nor to empower any Person to erect new Weirs.

61. Provided always, and be it enacted, That nothing herein contained shall be construed to give any Right whatsoever to any Person to erect or maintain any Weir, Dam, or Leader which is or shall be an Obstruction or Hindrance to the Navigation of any River, or to the free and uninterrupted Discharge of the Waters of the same, either for the Purpose of draining the Lands adjoining thereto, or of improving the Water Power thereof for the Use of Mills or Factories; nor, except as herein-before provided with respect to Stake and fixed Weirs, shall anything herein contained tend to legalize any Weir now or which may be hereafter erected, for the Erection of which a good, sufficient, and valid Title in the Law does not exist.

Natural Obstructions in Rivers may be altered, or removed, to allow of free Migration of Fish provided no Injury done to Mills, Factories, or the Drainage of Lands.

62. And be it enacted, That if in any River, Reefs or Ledges of Rocks, Shoals, or other Natural Obstructions, prevent and impede the free Passage and Migration of Salmon, Trout, and other Fish, and hinder the Approach and Access of the same to the upper Parts of the said Rivers, or any Lakes communicating therewith, and depositing their Spawn therein, it shall and may be lawful for the said Commissioners (if they so think fit), upon the Application of any Person interested in the Fishery of such River or Lake, who shall deposit or secure a Sum of Money sufficient for the Purpose, to construct, authorize, or contract with any Person interested in the Fisheries in the said River to construct such Works, and make such Alterations in the Bed of such River as shall effectually secure a free and uninterrupted Passage at all Seasons of the Year for Salmon, Trout,

Trout, Eels, and other Fish; and the Plans, Sections, Specifications, and Contracts for all such Works or Alterations shall be previously sanctioned by the said Commissioners; and for the Purpose of executing any such Work, and ascertaining all Compensation for Damage and other Matters in relation thereto, the said Commissioners and their Officers and Servants shall have and exercise all and every the Powers and Authorities vested in them as Commissioners of public Works in *Ireland* under and by virtue of the several Statutes in that Behalf made and provided: Provided always, that such Works or Alterations in the Bed of such River or Rivers, shall not be made in such a Manner as to injure the effective Power of any Mill or Factory, or in any way to impede or interrupt the Drainage of Lands adjoining such River; and provided also, that reasonable Compensation be made by the Parties applying for any Damage or Injury done or to be done or suffered consequently or otherwise in the Execution of such Works.

In all Dams or Weirs which shall be hereafter constructed, Means shall be provided for the free Migration of Salmon and other Fish.

63. And be it enacted, That every Dam, Weir, Dyke, or other Erection which shall after the passing of this Act be placed in or across any River frequented by Salmon, for sustaining the Water of such River for Mill Power, Navigation, Irrigation, or other Purposes, shall be so built or constructed as to permit and allow of, in One or more Parts of the same, the free Run or Migration of Salmon, Trout, and other Fish at all Periods of the Year, and that such Provision for the free Passage of the Fish through such Dam, Weir, or Dyke as aforesaid shall be made at the Expence of the Person forming such Dam, Weir, or Dyke, and in such Manner as the said Commissioners shall approve; and that with respect

In existing Dams and Weirs similar Means for Migration of Fish shall be provided, no Injury being done to Navigation or Power of Mills.

to Weirs, Dams, or Dykes at present erected in or across Rivers frequented by Salmon, for sustaining the Water of such River for Mill Power, Navigation, Irrigation, or other Purposes, it shall be lawful for the said Commissioners, if they shall deem it fit and necessary for the Benefit of the Fisheries thereof, on the Application of One or more of the Persons interested in the Fishery of such River wherein the same shall be placed, and at the proper Costs and Charges of the Persons interested in such Fishery as aforesaid, to cause a Survey of the said Dam, Weir, or Dyke to be made by some competent Engineer or Surveyor, and to direct such Alterations to be made therein, or such additional Work to be added thereto, as shall in the Opinion of the said Commissioners be necessary and desirable, for the Purpose of affording a free and uninterrupted Passage to the Fish frequenting such River, without impairing the Navigation or lessening or impairing the effective Working Power of the Mill or Factory to which such Dam, Weir, or Dyke belongs; and the Owners or Occupiers of all such Mills or Factories are hereby directed and required, at any Time or Times during which such Mill or Factory shall not be at work, or when the Water-wheel or Water-courses thereof shall not be undergoing such Repairs as shall require the Water above such Mill to be run off, to stop and close up in dry Seasons all other Waste Gates or Over-falls, so as to direct and force the surplus Water of such River or Stream through the Passage so prepared as aforesaid for the Migration of Salmon, Trout, and other Fish; and in case any such Owner or Occupier of such Mill or Factory shall neglect or refuse to comply with the Directions herein-before contained, such Person or Persons so neglecting or refusing shall forfeit and

and pay for each such Offence any Sum not exceeding Five Pounds: Provided always, that the Sluices which admit the Water to the Wheels of all Mills or Factories which derive their Supply from Rivers frequented by Salmon shall at all Seasons of the Year be kept shut for Twenty-four consecutive Hours in each Week, between the Hours of Six o'Clock on *Saturday* Afternoon and Six o'Clock on *Monday* Morning, so that the Water may be allowed to flow freely through any existing Gap in such Weir, Dam, or Dyke, or any Passage formed as aforesaid, or where no such Gap exists or Passage shall be formed, through the Waste Gate on the up-stream Side of the Wheel Sluices of such Mill or Factory, if such Waste Gate shall be erected in a Channel suitable for the Passage of Fish; and provided that by the opening of such Waste Gate the Mill shall not be thereby deprived of the necessary Supply of Water for the full and efficient working of the same; and if the Occupier of such Mill or Factory shall neglect or omit to keep shut for the Time aforesaid the Sluices admitting the Water to the Wheels of such Mills or Factories, or shall obstruct or allow to be obstructed the free Discharge of the Water through such Gap or Passage, or shall neglect to keep open during the Time aforesaid, and subject to the Provisions aforesaid, such waste Gates, then and in every such Case such Occupier shall forfeit and pay a Sum not exceeding Five Pounds for each Offence.

Free Passage for Migration of Fish in natural Obstructions or in Dams shall be preserved in like Manner as Queen's Share in other Weirs.

64. And be it enacted, That it shall not be lawful for any Person to take, kill, or destroy any Salmon or other Fish, or hang, fix, use, or set in any such Passage so made as aforesaid in or through such natural Obstructions, Mill Dams, Weirs, or other similar Works, any Net, Basket, or other Engine or Contrivance whatsoever

ever for the taking of Fish, or to place any Obstacle or Contrivance of any Nature or Kind soever in or near thereto, in order to deter or prevent Fish from freely entering or passing up and down through the same at all Periods of the Year, but such Passage so made as aforesaid shall be kept and preserved free from every Obstruction, and all such Obstructions shall be removed in like Manner as is herein-before provided with regard to the free Gap or Queen's Share in Fishing Weirs; and every Person offending contrary hereto shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and in case the Person who shall have actually committed any such Offence, so far as relates to the Dams of Mills or Factories, shall not be known or found, and if such Offence shall have been committed under such Circumstances as shall appear to the Justice or Justices before whom any Complaint thereupon shall be made to afford reasonable Grounds for believing that such Offence was committed by some Person in the Employment or under the Control of the Owner or Occupier of such Mill or Factory, or that it was committed with the Knowledge or Connivance of such Owner or Occupier or the Person in charge of such Mill or Factory, or through the Default of reasonable Precaution on the Part of such Owner or Occupier to prevent such Offence, then and in every such Case such Owner or Occupier of such Mill or Factory shall be deemed and taken to be liable to and shall incur the Penalty aforesaid, as if such Offence had been actually committed by him.

No Person to use Nets for the taking of Salmon in Inland

65. And be it enacted, That in the Inland and Freshwater Portions of Rivers and Lakes in *Ireland*, no Person save the Owner of a several Fishery within the Limits

Limits thereof, shall, at any Period of the Year lay, draw, make use of, or fish with Haul, Draft, Seine, or other Net for the taking of Salmon or Trout, unless in Cases when a general public Right of Fishing for Salmon with such Nets, in the Nature of a Common of Piscary, has been enjoyed for a Space of Twenty Years next before the passing of this Act; and if any Person shall offend contrary hereto such Person so offending shall forfeit all such Nets so used, and shall also forfeit and pay a Sum not exceeding Ten Pounds.

Rivers where no several Fishery exist.

66. And be it enacted, That no Person shall, in the Fresh-water Portion of any Inland River or Lake, lay, draw, make use of, or fish with (save as herein otherwise provided) any Haul or Draft Net or Seine the Meshes whereof shall be under Two and a Quarter Inches from Knot to Knot measured on the Side of the Square, or Nine Inches measured all round in the Clear, when wet, allowing to each Mesh Four Knots; and that no Person shall make use of or fish with any such Net formed with a false Bottom (except Nets for the taking of Eels), or shall place Two or more such Nets one behind the other, or use any Nets covered with Canvas, Hide, or other Substance, for the Purpose of taking small Fish, or shall affix or keep up continued Nets stretched across any River; and that no Person shall lay, draw, make use of, or fish with any Nets within the Limits of any several Fishery without a Licence in Writing from the Owner or Renter of such Fishery; and that no Person shall place, affix, or attach any Nets to any Stakes, Bridges, Sluices, Lock Gates of Canals, or other such fixed Erections, or shall lay, draw, or fish with any Nets whatsoever, except Nets for the taking of Eels as by this Act provided, within the Close Season for

Size of Meshes of Nets in Inland Rivers and Lakes.

Regulations as to such Nets and their Use.

for Salmon, as fixed by any Act now in force in *Ireland*, or which after the First Day of *January* One thousand eight hundred and forty-four shall become fixed by this Act, or be fixed by the said Commissioners as aforesaid, or at any Season of the Year between Six of the Clock on *Saturday* Evening and Six of the Clock on *Monday* Morning; and if any Person shall offend in any of the Cases aforesaid he shall forfeit every Net used in doing or committing such Offence, and shall for the same forfeit and pay any Sum not exceeding Ten Pounds.

Commissioners empowered to authorize different Form and Size of Mesh in the Inland Rivers upon due Inquiry had.

67. Provided always, and be it enacted, That it shall be lawful for the said Commissioners, if they shall so think fit, on the Application of the Proprietor of any Fishery in the Fresh-water Portion of any Inland River or Lake, to give Notice by Advertisement in the Newspapers published or circulating in the County or Counties wherein such River or Lake is situated or in whole or in part flows, that it is proposed to authorize in such Lake or River the Use of Floating, Draft, or other Nets of such Form and with Meshes of such Size as shall be described in such Notice, and in the said Notice to call upon and require every Person interested in such Fishery to make, in such Manner as the said Commissioners shall prescribe, his Objections (if any) to the Use of such Nets as aforesaid; and at the Expiration of Three Months from the Date of the said Notice it shall be lawful for the said Commissioners to hold a Meeting, giving Three Weeks previous notice thereof by Advertisement as aforesaid, of the Persons interested in such Fishery, for the Purpose of deciding with regard to the Use of such Nets as aforesaid, and thereupon, and after hearing the Parties, it shall be lawful for the said Commissioners to authorize, if they shall so think fit, the Use of

of Nets of a smaller Size than and different Form from those already prescribed by this Act, and such Decision shall be published and notified in the Manner herein-before prescribed in the Case of a Change of Seasons; and it shall be lawful for the said Commissioners to alter or revoke such Decision at or any Time after the Expiration of Three Years, and the same Proceedings towards the so doing as are herein-before prescribed in relation to the first Change shall take place on each such future Change, and any Person or Persons offending against any Decision so made and published as aforesaid shall be subject and liable to the like Penalties and Forfeitures as if such Rule or Order had been contained in this Act.

Penalty for using unlawful Nets.

68. And be it enacted, That if any Person shall hang, draw, or make use of any Net of any Description prohibited by this Act, or the Use whereof shall from Time to Time be prohibited by the said Commissioners, the Person so offending shall forfeit such Net, and shall also forfeit and pay any Sum not exceeding Five Pounds.

Angling.

69. Provided always, and be it enacted, That nothing in this Act contained shall be construed to hinder or prevent the Proprietors of any Lands adjoining any Lake or River, and not being within the Limits of a several Fishery, or any Person authorized by them, from taking, catching, or fishing for Salmon, Trout, and other Fish with Rods and Lines in any such Lake or River: Provided always, that no Person shall angle for Salmon or Trout, in any Lake or River during the Close Season prescribed by any Act now in force in *Ireland*, or which shall, after the First Day of *January* One thousand eight hundred and forty-four, become fixed by this Act, or by any Order of the said Commissioners, and that any

any Person so angling shall forfeit and pay a Sum not exceeding Five Pounds.

Cross Lines prohibited.

70. And be it enacted, That it shall not be lawful for any Person (save the Proprietor of a several Fishery, or any Person duly authorized by him in Writing, within the Limits thereof,) to take, catch, or fish for any Salmon or Trout by means of Cross Lines in any River, and any Person so offending shall forfeit and pay a Sum not exceeding Five Pounds.

Penalty on Persons entering Lands without Permission.

71. And be it enacted, That if any Person or Persons shall enter upon any Lands or Premises for the Purpose or under the Pretence of fishing or angling in any Lake, River, Stream, Pond, or Water, without Authority in Writing from the Proprietor or Occupier of such Lands or Premises, every such Person shall forfeit and pay a Sum not exceeding the Sum of Two Pounds for every such Offence.

Penalty for taking or using Boats without Permission.

72. And be it enacted, That if any Person or Persons shall remove, take, use, or employ any Cot, Barge, Boat, or Vessel without Permission of the Owner thereof, such Person so offending shall for every such Offence forfeit and be liable to pay a Sum not exceeding the Sum of Two Pounds.

Penalty for having, taking, or attempting to take, Fry and Spawn of Salmon, Trout, or Eels.

73. And be it enacted, That if any Person shall wilfully take, sell, purchase, or have in his Possession the Spawn, Smolts, or Fry of Salmon or of Trout or of Eels, or in any Way or by any Device wilfully obstruct the Passage of the said Smolts or Fry, or injure or disturb any such Spawn or Fry, or any Spawning Bed, Bank, or Shallow where the same may be, such Person shall forfeit and pay a Sum not exceeding Ten Pounds for each and every such Offence, and all Nets, Engines, and

and Devices used in the taking of the same, or whereby any such Injury shall be caused, shall be forfeited.

Penalty for having, taking, or offering for Sale, any unclean or spent Fish.

74. And be it enacted, That if any Person shall at any Time wilfully take, kill, destroy, expose to Sale, or have in his Possession any red, black, foul, unclean, or unseasonable Salmon or Trout, such Person shall forfeit and pay any Sum not exceeding Two Pounds for every such Fish so taken, killed, destroyed, exposed to Sale, or in his Possession: Provided always, that if any Person shall take or catch any such Fish accidentally, and return the same immediately to the Water without Injury, such Person shall not be liable to the Penalty aforesaid.

Penalty for any Person taking or attempting to take Fish, or the Fry of Fish, in Works appurtenant to Mills or Factories, or in Watercourses diverted from Rivers for such Purposes.

75. And whereas great Destruction of spent Fish and Fish about to spawn, and of the Brood and Fry of Salmon and other Fish, is occasioned by the Owners and Occupiers of Mills and Factories catching and destroying the same by Nets and various other Devices in the Mill Leads, Mill Dams, and Watercourses appurtenant thereto; for Remedy whereof be it enacted, That if any Person shall, at any Season of the Year, in any Mill Pool or Mill Dam, or in any Works appurtenant to any Mill or Factory, or in any of the Watercourses leading the Water to or from such Mill or Factory, place, lay, set, or draw any Net, Grate, Creel, or other Engine, or use any Means or Device whatsoever, (save and except Rod and Line used subject to the Provisions of this Act,) for the Purpose of taking, destroying, or obstructing any Salmon or other Fish, or the Fry thereof, every such Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds, and shall also forfeit such Nets or other Engines; and in case the Person who shall have actually committed any

such Offence shall not be known or found, and if such Offence shall have been committed by means of shutting down or closing any Gate or Sluice which is under the exclusive Power of the Occupier of any Mill or Factory, or it such Offence shall have been committed under such Circumstances as shall appear to the Justice or Justices before whom any Complaint thereupon shall be made to afford reasonable Grounds for believing that such Offence was committed by some Person in the Employment or under the Control of the Owner or Occupier of such Mill or Factory, or that it was committed with the Knowledge or Connivance of such Owner or Occupier or the Person in charge of such Mill or Factory, or through the Default of reasonable Precaution on the Part of such Owner or Occupier, to prevent such Offence, then and in every such Case such Owner or Occupier of such Mill or Factory shall be deemed and taken to be liable to and shall incur the Penalty and Forfeiture aforesaid, as if such Offence had been actually committed by him.

A Grating shall be placed in all Watercourses diverted from Rivers to prevent Salmon, Trout, or Fry entering therein.

76. And be it enacted, That in all Watercourses, Cuts, Channels, or Sluices constructed for the Purpose of conveying Water from any River frequented by Salmon, for the Supply of Towns, the Irrigation of Lands, or any Purpose other than the Supply of Water for Navigation, or as a moving Power for Machinery, or for Fish Ponds, there shall be placed and fixed by the Occupier of such Watercourses, Cuts, Channels, or Sluices, at their Points of Divergence from and Return to such River, and above and below such Sluices, a Grating or Lattice (the Space between the Bars whereof shall not exceed Two Inches in any Place), extending across the whole Width of such Watercourse, Cut, Channel,

Channel, or Sluices, and from the Bottom of the Bed or Sill thereof respectively to the Level of the highest Winter or Flood Waters; and during the Months of *March*, *April*, and *May*, and such other Periods of the Year as the Brood or Fry of Salmon or Trout shall be descending the Rivers, there shall be placed or stretched over the entire Surface of such Grating a Wire Lattice or Network of such Dimensions as effectually to prevent the Admission of Salmon Fry or other small Fish into such Watercourses, Cuts, Channels, or Sluices; and the Owner, Lessee, or Occupier of any such Premises to which such Watercourse leads, or other Person making or using or having the Care and Maintenance of any such Watercourse, Cut, Channel, or Sluice, shall secure and fix the said Grating, Lattice, or Wire-work in a permanent Manner, so as to prevent the same from being removed or opened, and shall keep and preserve the same in constant Repair, and in case any such Owner, Lessee, or Occupier shall neglect so to do, he shall for every such Neglect forfeit and pay any Sum not exceeding Ten Pounds.

Penalty for taking Salmon or Trout, or their Fry in Eel Weirs.

77. And be it enacted, That if the Proprietor or Tenant of any Eel Weir, shall take or suffer to be taken therein any Salmon or Trout, or Salmon or Trout Fry, or Spent Salmon, every such Proprietor or Tenant shall forfeit and pay for each and every such Offence any Sum not exceeding Ten Pounds.

Penalty for attempting to take Salmon, Trout, &c. at Night in Inland Rivers, &c. or using Lights, &c. for such Purposes.

78. And be it enacted, That if any Person shall, between Sunset and Sunrise, have or use any Light or Fire of any Kind, or any Spear, Gaff, Strokeall, or other such Instrument, with Intent to take Salmon or other Fish in or on the Banks of any Lake or River, or if any Person shall be found at any Time chasing, injuring, or disturbing

disturbing spawning Fish or Fish on the Spawning Beds, or attempting to catch Fish in such Places (except with Rod and Flies only, within the lawful Period), or damming or teeming or emptying any River or Mill Race for the Purpose of taking or destroying any Salmon or Trout, or the Fry thereof, every Person so offending in any of the Cases aforesaid shall forfeit all such Instruments, and shall also forfeit and pay any Sum not exceeding Ten Pounds.

Penalty for fishing in private Ponds.

79. And be it enacted, That if any Person shall kill, take, or destroy any Carp, Tench, Bream, Roach, Perch, Eel, Pike, Trout, Cray-fish or any other Fish, in or out of any Pond, private Canal, or Reservoir, wherein the same are kept, and wherein he has no Property, without the Consent or Licence of the Owner of such Pond, private Canal, or Reservoir, and be thereof convicted, every such Person for every such Offence shall forfeit any Sum not exceeding Ten Pounds.

Penalty on Persons throwing or allowing Matters poisonous to Fish to flow into Inland Rivers.

80. And be it enacted, That no Person shall throw, empty, or cause to run or flow into any River or Lake any Dye Stuff, or other deleterious or poisonous Liquid, or shall throw into such River or Lake any Lime, Spurge, or other deleterious or poisonous Matter, or shall steep in such River or Lake any Flax or Hemp, and if any Person shall so offend he shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds: Provided always, that nothing in this Act contained shall extend or be construed to render any Person liable to the Penalties hereby imposed for casting into any River or Stream any Dye Stuffs or other Materials which are not of a deleterious Nature, or which are not in a State poisonous to Fish or other Animals using the Waters thereof.

81. And

The Names of Owners shall be painted on Fishing Boats.

81. And be it enacted, That every Boat, Cot, or Curragh shall have upon some conspicuous Place thereof the Name of the Owner, or of One of the Owners where more than One, and of his Place of Residence, painted in clear legible Characters or Letters of not less than Two Inches in Length; and in default thereof the Owner, or any Person found using such Boat, Cot, or Curragh, shall forfeit and pay any Sum not exceeding Two Pounds.

Proprietors of Fisheries in Rivers or on the Coast empowered to appoint Water Bailiffs to protect the Fisheries of the River or Lake in which they shall be interested.

82. And for the better protecting and preserving of Fisheries, and for the due Enforcement of the Laws regulating the same, be it enacted, That it shall and may be lawful for any Person interested in the Preservation of the Fish of any River or Lake, or for any Persons who shall have united themselves into a Society for the Preservation of the said Fisheries, or for the Owner or Proprietor of any Fishery in any River or Lake, or the Proprietor of any Salmon Fishery on the Sea Coast, to appoint during Pleasure, by any Instrument in Writing, in the Form in Schedule (A.) to this Act annexed, any One or more Persons to be a Water Bailiff or Water Bailiffs for the Protection of the Fisheries on such Part of the Sea Coast, or in any such Lake or River, or the Tributaries thereof: Provided always, that no such Water Bailiff shall be empowered to act as such until his Appointment shall have been approved and confirmed by Two or more Justices assembled in some Petty Sessions holden in the District within which the said Water Bailiff is to act, which Justices shall endorse the Instrument by which he is appointed; and provided also, that it shall be lawful for any Two or more Justices at Petty Sessions, from Time to Time, upon Complaint made to them, to revoke such Appointment, and

and dismiss any such Bailiff, and to approve and confirm an Appointment of such other Person as shall be appointed in the Place of the Person so dismissed.

Water Bailiffs.

83. And be it enacted, That if any Person shall act as a Water Bailiff without having an Appointment confirmed as aforesaid by the Justices and unrevoked by them, every such Person shall, for every such Act, forfeit any Sum not exceeding Ten Pounds.

Powers of Water Bailiffs for the Protection of the Fisheries.

84. And be it enacted, That every Water Bailiff appointed as aforesaid shall be empowered to exercise the Powers and Authorities of a Constable for the Enforcement of the Provisions of this Act, and shall be at liberty at all Times and Seasons, without any Let or Hindrance whatsoever, to enter into and pass through or along the Banks or Borders of any Lakes or Rivers frequented by Salmon or Trout, or of the Tributaries thereof, for the Protection of the Fisheries whereof he shall be so appointed as aforesaid, and with Boats or otherwise to enter upon all and every such Lakes or Rivers, and to enter upon and examine all Weirs, Sluices, Mill Dams, Mill Races, and Watercourses communicating therewith, and to pass along the same, and to enter any Boat or Boats engaged in fishing, and to examine all standing, floating, or other Nets whatsoever, and to seize all illegal Nets, Engines, Instruments, and Devices whatsoever, and all and every other Nets, Engines, and Instruments whatsoever when used illegally, and to do all such other Acts and Things as he shall be required to do by the Bye Laws of the said Commissioners, or by any Warrant issued by any Justice or Justices in conformity with the Provisions of this Act, and the Production of such Certificate or Appointment, endorsed as aforesaid, shall be sufficient Warrant

Warrant for such Water Bailiff so acting in any of the Cases aforesaid: Provided always, that nothing herein contained shall be construed to authorize any such Water Bailiff to enter any Garden enclosed with a Wall or Paling, nor any Dwelling House or the Curtilage thereof, (except where the ordinary Road or Passage to any Weir, Dam, or Dyke shall be through any such Garden or Curtilage as aforesaid), save when thereunto authorized by the Warrant of a Justice of the Peace as herein-after provided.

Justice may grant a Warrant to enter suspected Places.

85. And be it enacted, That it shall and may be lawful for any Justice of the Peace, upon an Information on Oath that there is probable Cause to suspect any Breach of the Provisions of this Act to be committed within any of the herein-before excepted Grounds and Premises, by Warrant under his Hand and Seal, to authorize and empower by Name any Water Bailiff, or any Officer appointed by the said Commissioners, to enter the said excepted Premises for the Purpose of detecting such Offence, at such Time or Times, in the Day or Night, as in such Warrant may be mentioned; provided that no such Warrant shall continue in force for more than One Week from the Date thereof.

Officers and Men of Her Majesty's Cruisers, and Officers and Men of Coast Guard Service, empowered to enforce Provisions of this Act.

86. And be it enacted, That it shall and may be lawful for such Officers and Petty Officers belonging to the Cruisers of Her Majesty's Navy, and for such Officers and Men of the Coast Guard Stations as shall be thereunto authorized by the Commissioners of Her Majesty's Customs, at such Times and in all such Places, and subject to such Directions and Regulations as the said Commissioners of Customs shall from Time to Time think fit to prescribe, to go on board any Vessel employed in fishing, and examine the Certificate of Registry

Registry and Nets of such Vessel, and whether the Regulations of this Act have been complied with, and whether the Master and other Persons on board such Vessel are carrying on the said Fishery in the Manner hereby required, and to seize any illegal Nets or Engines, or any Nets or Engines used contrary to the Provisions of this Act, or any of the Orders, Regulations, or Bye Laws made by said Commissioners; and it shall be lawful for the Officers and Men employed in the Coast Guard Service in *Ireland* to execute, for the Purposes of this Act, on Sea or on Land, the Warrants of any Justice or Justices, as fully and effectually as any Person or Persons authorized and empowered to execute Warrants of any Justice or Justices in *Ireland* may now execute the same on Land within their respective Districts, and also to do all such other Acts on Sea or Land in relation to the Preservation of the Peace among Persons engaged in fishing, and the Enforcement of the Provisions of this Act, as any Constable may lawfully do within his Jurisdiction.

Officers and Men of the Coast Guard empowered to act as Constables.

87. And be it enacted, That when any Person shall be found, at Sea, or on Rivers, Lakes, or other Waters, or on Land, offending against any of the Provisions of this Act by the Use of any illegal Net, Engine, or Device whatsoever for the taking of Fish, or by the Use of any Net, Engine, or Device prohibited at such Time, or in any other Manner, it shall be lawful for any Officer or Person herein-before empowered to enforce the Provisions of this Act, or for any Person interested in the Fishery in which such illegal Act may be committed, to require the Person so found offending forthwith to desist from such Offence, and also to tell his Christian Name, Surname, and Place of Abode; and in case

Offenders may be apprehended if they refuse to tell their Names.

case such Person shall, after being so required, refuse to tell his real Name or Place of Abode, or shall give such a general Description of his Place of Abode as shall be illusory for the Purpose of Discovery, or shall wilfully continue such Offence, it shall be lawful for the Officer or Person so requiring as aforesaid, and also for any Person acting by his Order and in his Aid, to apprehend such Offender, and to convey him or cause him to be conveyed, as soon as conveniently may be, before a Justice of the Peace, to be dealt with according to Law: Provided always, that no Person so apprehended shall on any Pretence whatsoever be detained for a longer Period than Twenty-four Hours from the Time of his Apprehension before he shall be brought before some Justice of the Peace; and that if he cannot, on account of the Absence or Distance of the Residence of any such Justice of the Peace, or owing to any other reasonable Cause, be brought before a Justice of the Peace within such Twelve Hours as aforesaid, then the Person so apprehended shall be discharged, but may nevertheless be proceeded against for his Offence by Summons or Warrant, according to the Provisions hereinafter mentioned, as if no such Apprehension had taken place.

Penalty on Persons using Violence.

88. And be it enacted, That where any Persons, to the Number of Three or more together, shall be found by any Officer of Her Majesty's Navy, or of the Coast Guard, or any Water Bailiff or Peace Officer, by Violence, Intimidation, or Menace impeding or obstructing, or attempting to impede or obstruct, any other Person or Persons in the lawful Prosecution of any Fishery, it shall be lawful for such Officer of the Navy or Coast Guard, or Water Bailiff or Peace Officer so requiring, and also for any Person acting by his Order or in his

Aid, to apprehend such Offenders, and to convey them before a Justice of Peace, to be dealt with according to Law; and every Person so offending by such Violence, Intimidation, or Menace as aforesaid, and every Person then and there aiding or abetting such Offender, shall, upon being convicted thereof, forfeit and pay for every such Offence such Penalty, not exceeding Twenty Pounds, as to the convicting Justice shall seem meet, together with the Costs of the Conviction, which said Penalty shall be in addition to and independent of any other Penalty to which any such Person may be liable for any other Offence against this Act.

Commissioners, Inspectors, &c. empowered to enforce Provisions of this Act.

89. And be it enacted, That it shall be lawful for the said Commissioners, or any Officer appointed by them for the Purposes of this Act, to use and exercise all and every the Powers and Authorities for enforcing the Provisions of this Act and the Apprehension of Offenders by this Act conferred upon the Officers of Her Majesty's Cruisers and of the Coast Guard Stations and Water Bailiffs respectively.

Penalty on opposing or assaulting Commissioners, or Persons authorized by them, in execution of this Act.

90. And be it enacted, That if any Person shall assault, resist, or obstruct any of the said Commissioners, or any Person acting by their Authority, or any Officer of Her Majesty's Navy or Coast Guard, or any Person acting under him or them, or any Water Bailiff, in the Execution of any of the Powers conferred on him or them by this Act, or by any Rule, Order, or Bye Law to be made in pursuance of this Act as aforesaid, or if the Master of any Fishing Vessel shall refuse to produce his Certificate of Registry when thereunto required by any such Commissioner, Officer, or Person, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Commissioners empowered to

91. And be it enacted, That it shall be lawful for the said

said Commissioners, from Time to Time as may become necessary, to make and ordain such Bye Laws, Rules, Orders, and Regulations (in addition to those herein specifically required to be made), as to them the said Commissioners shall seem expedient for the more effectual Government, Management, Protection, and Improvement of the Fisheries of *Ireland*, and the Registry of all Boats engaged therein, and from Time to Time to repeal, rescind, or vary the same, and substitute others in lieu thereof, and to impose and prescribe any Conditions and Restrictions for the Regulation of the said Fisheries, and the Preservation of good Order among the Persons engaged therein, and in relation to the Times and Seasons at which the taking the several Species of Fish shall commence and cease, or the Times and Places or the Manner at and in which any Trammel, Trawl, or other Net or Nets, Engine or Engines to be employed in the said Fisheries shall be used, and also as to the Description and Form of Nets to be used in the said Fisheries, and the Size of the Meshes thereof, or to the Prohibition thereof, or of any Practice whatsoever, tending in the Opinion of the said Commissioners to impede the taking of Fish, or to be in any Manner detrimental to the said Fisheries, or as to any other Matter or Thing which shall in any Manner relate to the Government and Protection of the said Fisheries ; and it shall be lawful for the said Commissioners to impose any Penalty not exceeding Five Pounds in all Cases where any Penalty is not fixed by this Act, for any Breach of such Bye Laws, Rules, Orders, and Regulations, and to direct that all Nets, Engines, or other Instruments whatsoever used contrary to any of such Bye Laws, Rules, Orders, or Regulations shall be forfeited, destroyed,

make Bye Laws for Protection and Improvement of Fisheries.

destroyed, or removed, as the Case may require: Provided always, that all such Bye Laws, Rules, Orders, and Regulations be not repugnant to any Law or Statute in force in *Ireland*, and shall not injure the effective Working Power of any Mill or Factory, and shall be approved of and confirmed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the Time being in Council; and all the said Bye Laws, Rules, Orders, and Regulations, when so approved and confirmed, shall be binding and conclusive on all Persons as if the same had been contained in and enacted by this Act.

Copies of intended Bye Laws to be sent to Clerk of Peace, &c. and Notice given thereof.

92. Provided always, and be it enacted, That One Month at least before such Bye Laws, Rules, and Regulations shall be laid before the Lord Lieutenant or other Chief Governor or Governors for the Time being in Council, for his or their Approval, a Copy of the same shall be deposited with the Clerk of the Peace for each County in *Ireland* in which such Bye Laws, Rules, and Regulations are proposed to be enforced, and with the Clerks of the Petty Sessions for each District in which it is proposed the same shall be enforced, and a Notice of the Lodgment thereof shall be posted at the usual Places for posting Notices in each such Petty Session District; and it shall be lawful for any Party who may consider himself aggrieved by any such intended Bye Laws, Rules, and Regulations to appeal to the Lord Lieutenant or other Governor or Governors for the Time being in Council against such intended Bye Laws, Rules, and Regulations.

Publication of Bye Laws.

93. And be it enacted, That the said Bye Laws, Rules, Orders, and Regulations, when approved and sanctioned as aforesaid, shall be printed, and a Copy of the same shall be deposited with the Clerk of the Peace for

for each County in *Ireland* in which such Bye Laws are proposed to be enforced, and with all the Coast Guard Officers at the different Stations, and with the Clerks of Petty Sessions for each District in which it is proposed the same shall be enforced in *Ireland*, and in such and so many different Places as to the said Commissioners shall seem fit; and printed Copies of said Bye Laws, Rules, Orders, and Regulations shall be provided by the said Commissioners, and sold at a Price not exceeding One Shilling for each Copy, and Notice both of the Publication of the same and the Place or Places where the same may be bought shall be given for Three Months subsequent to the Publication thereof in such of the Metropolitan and Provincial Newspapers as the said Commissioners shall appoint; and for the Purpose of convicting any Person offending against the said Bye Laws, Rules, Orders, and Regulations, a printed Copy of such Bye Laws, obtained from the Office of any Clerk of the Peace or Clerk of the Petty or Quarter Sessions (who is hereby required to furnish the same at the Price aforesaid), with whom the same may be lodged and certified by him to be a true Copy thereof, shall be received and taken as full and sufficient Evidence of the Existence of such Bye Law, and the due Publication thereof.

How Offences against this Act may be tried.

94. And be it enacted, That all Offences whatsoever which by virtue or under the Authority of this Act, or of any Rule, Order, Regulation, or Bye Law to be made pursuant to the Provisions of this Act, are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeiture, shall and may in every Case be heard, adjudged, and determined in a summary Way by and before One or more Justice or Justices of the

the Peace of the County, Town, or Place within whose Jurisdiction such Offence shall have been committed, upon the Complaint, verbal or otherwise, of any Person; and that the said Justice or Justices shall proceed to the Determination of any such Complaint in the Presence of any Offender brought before him or them, in pursuance of any of the Provisions herein-before contained, or else shall issue a Summons for the Appearance of such Offender at the Petty Sessions of the District within which such Offender may be tried, according to the Provisions of this Act; and the Justices at such Petty Sessions shall, upon Proof of the personal Service of such Summons, or upon Proof of such Summons having been left at or on board the Vessel, or at or posted on the known Residence of such Person so offending, proceed to the Determination of any such alleged Offence; and that if, upon Confession of the Party, or on the Oath of any One or more credible Witness or Witnesses (which Oath the said Justice or Justices is and are hereby respectively empowered and required to administer), the Party accused shall appear to have committed such Offence, then and in every such Case the said Justice or Justices shall and may impose upon the Offender such Fine or Fines as by this Act, or by any of the Bye Laws, Rules, Orders, and Regulations to be made in pursuance thereof, such Offender is or are made subject and liable to; and the Amount of such Fine or Fines, together with the Costs of Conviction, shall be ascertained by such Justice or Justices, and shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case of Nonpayment thereof then the same, together with the Costs of Conviction

Penalty to be recovered by Distress and

viction and Recovery, to be ascertained as aforesaid, shall and may, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, (which he and they is and are hereby authorized and required to grant,) be levied and recovered by Distress and Sale of the Goods, Chattels, and Effects of such Offender wheresoever the same can be found, and that the Surplus (if any) arising from such Distress and Sale, after deducting such Fine or Fines, together with the Costs of Conviction and the reasonable Expences attendant upon such Distress and Sale, shall be rendered to the Owner or Owners of the Goods, Chattels, and Effects so distrained; and that it shall and may be lawful to and for such Justice or Justices to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his or their Appearance on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the Time of taking such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; and that if upon the Return of such Warrant it shall appear that no sufficient Distress can be found, or in case the said Fine or Fines and such Costs as aforesaid shall not be forthwith paid, or in case it shall appear to such Justice or Justices, either by Confession of the Offender or otherwise, that such Offender hath not sufficient Goods, Chattels, or Effects whereout such Fines and Costs may be levied, it shall and may be lawful to and for the said Justice or Justices, by Warrant under his or their Hand and

Sale of Offenders Goods.

If no Goods or Chattels, the Offender may be imprisoned.

and Seal, to commit such Offender or Offenders to the Common Gaol, or any Bridewell, House of Correction, or other Prison in the said County, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months where the Fine imposed shall not exceed Five Pounds, and not exceeding Three Months in any Case unless such Fine or Fines, together with all such Costs and Expences as aforesaid, shall be sooner paid and satisfied.

Recovery of Expences.

95. And be it enacted, That whensoever under the Provisions of this Act any Justice of the Peace or the said Commissioners may be authorized or empowered to execute any Work, or remove or alter any Weir or other Erection, or to do any Matter or Thing, at the Expence of any Offender, such Justice or Commissioners, as the Case may be, shall ascertain the Amount of such Expences, and direct Payment thereof to be made by such Offender to such Person as he or they may think fit, and it shall be lawful for such Person to sue for and recover the same by Civil Bill or by Action or Suit in any of the Superior Courts in *Dublin;* and a Certificate in Writing under the Hand or Hands of such Justice or Commissioners, as the Case may be, shall be conclusive Evidence of the Amount of such Expences, and of the Liability of the Party therein named to pay the same, and of the Right of the Person thereby authorized to sue for and recover the same.

Jurisdiction of Magistrates of Maritime Counties extended to Offences against this Act at Sea.

96. And be it enacted, That the Jurisdiction of each and every Justice or Justices of the Peace of every Place within or belonging to all Counties, or Counties of Cities or Towns in *Ireland*, any Part whereof shall adjoin the Sea Coast, or any of the Estuaries thereof, shall be and the same is hereby extended to all and every Offences or Offence

Offence against the Provisions of this Act, or any of the Bye Laws, Rules, Orders, or Regulations (hereby authorized to be made) committed by Fishermen and others engaged in fishing, or by any Person or Persons whatsoever while at Sea, as fully and effectually to all Intents and Purposes as if the said Offences or Offence had been committed upon Land within his or their present Jurisdiction or Jurisdictions respectively; and that it shall and may be lawful for the said Justice or Justices to issue his or their Warrant for the Arrest or Apprehension of any of the said Fishermen or others so offending as aforesaid, whether he or they shall happen to be upon Land within any Part of the Kingdom or in any Vessel at Sea, and employ any Person or any of the Ways and Means for causing such Apprehension or Arrest to be made as such Justice or Justices are now authorized and empowered to do in case the said Offence had been committed upon Land within his or their respective Jurisdiction or Jurisdictions; and that the said Justice or Justices shall have the like Powers or Remedies for the Apprehension, Committal, or Punishment of Fishermen, and other Persons so offending at Sea as aforesaid, either against this Act, or any of the Bye Laws, Rules, and Regulations to be made in pursuance thereof; and also that the said Justice or Justices shall have the like Powers and Remedies for the Seizure at Sea of the Vessels or other Goods and Chattels of the said Fishermen or other Persons so offending as aforesaid, as he or they possess by any Law or Statute now in force, or shall under this Act possess in case the said Offence or Offences had been committed upon Land, or the said Goods and Chattels had been upon Land within his or their respective Jurisdiction or Jurisdictions.

The Mode in which Penalties are to be levied.

97. And be it enacted, That all Penalties directed to be enforced against any Person or Persons offending contrary to the Provisions of this Act shall be levied by the same Persons and in the same Manner as all Fines and Penalties may by Law be levied, or by the Officers and Men of the Coast Guard Service.

Form of Conviction.

98. And be it enacted, That the Justice or Justices before whom any Person shall be convicted of any Offence against this Act shall cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect; (that is to say,)

'BE it remembered, That on the Day of in the Year of our Lord at in the County of [*or* City, Town, *or* Place *as the Case may be*,] *A.O.* is, upon the Complaint of *G.H.*, convicted before me *J.P.*, one of Her Majesty's Justices [*or* before us *C.D.* and *E.F.*, Justices] of the Peace for the said County of in pursuance of an Act made in the Fifth and Sixth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to regulate the* Irish *Fisheries*, for that the said *A.O.* [*here state the Offence, and the Time and Place when and where the same was committed*], and I [*or* we] do hereby adjudge him to pay and forfeit for the said Offence the Sum of of lawful Money of *Great Britain*, together with the further Sum of for Costs of Suit and Prosecution of the said *G.H.*; [*and in case any Nets or other Engines are to be forfeited*,] I [*or* we] do hereby further adjudge that the Nets or other Engines, *et cetera* [*describing the same*], be and the same are hereby forfeited. Given under my Hand and Seal [*or* our Hands and Seals']

'Seals, *as the Case may be*,] at in
'the County of the Day and Year
'above written.'

Which said Conviction and Adjudication shall be good and valid in Law to all Intents and Purposes, and shall not be quashed, set aside, or adjudged void or insufficient for Want of Form only, and shall not be liable to be removed by Certiorari or otherwise into Her Majesty's Court of Queen's Bench, or any other of Her Majesty's Courts of Record at *Dublin*, but shall be deemed and taken to be final to all Intents and Purposes whatsoever, unless the same shall be reversed on Appeal as hereinafter provided: Provided always, that no Person shall be convicted of any Offence committed against the Provisions of this Act unless the Prosecution for the same shall be commenced within Six Calendar Months from the Time of the Commission of such Offence.

Appeal from Convictions to Quarter Sessions.

99. And be it enacted, That if any Person shall think himself aggrieved by any Judgment, Order, or Conviction of any Justice or Justices of the Peace, such Person may appeal to the next General Quarter Sessions to be held in the Division of the County or for the City or Place where such Judgment, Order, or Conviction shall have been given, made, or had, provided such General Quarter Sessions shall be held at any Time not less than Twenty-one Days after the Time such Conviction shall have been had; and in case such General Quarter Sessions shall be held within Twenty-one Days from the Time of such Conviction, such Appeal shall be to the General Quarter Sessions to be holden next but one after such Conviction in such Division of the County, City, or Place as aforesaid, and that no such Appeal shall be allowed, received, heard, or determined unless the

the Party appealing shall within Ten Days next after, or if such Justice or Justices shall think right so to require it, immediately on the pronouncing of such Judgment, Order, or Conviction, enter into a Recognizance, with Two sufficient Sureties, before such Justice or Justices, or before any other Magistrate of such County, City, or Place, in a Sum not less than Ten Pounds, conditioned personally to appear at the said Sessions to try such Appeal and abide the Judgment of the Court, and to pay such Costs and Expences as the Justices at the said Quarter Sessions may award against him.

Form of Dismissal.

100. And be it enacted, That in case any such Justice or Justices shall dismiss any such Complaint so made as aforesaid such Dismissal shall be drawn up and signed by such Justice or Justices in the Form following; (that is to say,)

'BE it remembered, that on the Day of in the Year of our Lord *C.D.* of was charged before me [*or* us] on the Complaint of *A.B.* of for that the said *C. D.* did [*here state the Offence charged, and the Time and Place when and where the same was committed*], contrary to the Provisions of an Act, intituled *An Act to regulate the* Irish *Fisheries;* and it appearing to me [*or* us] that the said *C.D.* is not guilty of such Offence so charged against him as aforesaid by the said *A.B.*, we therefore do adjudge that the said Complant be and the same is hereby dismissed. Given under my Hand and Seal [*or* our Hands and Seals, *as the Case may be,*] at in the County of the Day and Year first above written.'

Appeal against Dismissal.

And if any Person prosecuting shall feel aggrieved by such

such Order of Dismissal it shall and may be lawful for such Person to appeal to such Sessions as herein-before directed with regard to Appeals from any Conviction, upon giving the like Notice as herein-before prescribed, and entering into a Recognizance with Two sufficient Sureties before any Magistrate, in any Sum not less than Ten Pounds, conditioned for the Payment of all such Costs and Expences as shall be adjudged against him on the Hearing of such Appeal.

Proceedings on Appeal.

101. And be it enacted, That it shall and may be lawful for the Justices assembled at such Quarter Sessions to re-hear the Subject Matter of such Conviction or Order of Dismissal, and either affirm or reverse the same, or reduce any Penalty which may have been adjudged, such Reduction however not to be to a smaller Sum than the lowest Penalty hereby imposed for the Commission of such Offence, and in case such Conviction shall be affirmed, it shall be lawful for such Justices to award such Costs and Expences to the Prosecutor, and any Witnesses who may be examined in support of such Prosecution, as they may think reasonable, and in case the Party appealing from any such Order of Dismissal as aforesaid shall not appear at such Quarter Sessions as aforesaid to prosecute the same, such Order of Dismissal shall be affirmed, and it shall be lawful for the said Justices to award to the Person accused such Costs and Expences of Witnesses as they may think reasonable; and in case any Appellant or Respondent on any such Appeal shall not pay any Costs or Expences which may be so awarded against him his Recognizances shall be estreated.

Lord Lieutenant may extend Mercy to convicted Persons.

102. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of

of *Ireland* to extend the Royal Mercy to any Person imprisoned by virtue of this Act, although he shall be imprisoned for nonpayment of Money to some Party other than the Crown.

Illegal Nets shall be brought before Magistrates at Petty Sessions, and destroyed;

103. And be it enacted, That in case any Officer or Person hereby authorized and empowered to seize illegal Nets or Engines, or Nets or Engines of a legal Form and Size when used contrary to the Provisions of this Act, or any of the Bye Laws to be made in pursuance hereof, shall seize the same, it shall and may be lawful for him to retain the same in his Custody until the next Sitting of the Petty Sessions Court, or any Adjournment thereof, in the District where the same shall be seized, and at such Petty Sessions Court it shall and may be lawful for the Justices to order and direct the same to be forfeited, and in case the same shall be such as cannot be legally used under the Provisions of this Act, to order the same to be destroyed, and in case the same shall be such as may be legally used according to the Provisions of this Act, that then and in such Case it shall be lawful for such Justices to order the same to be sold, and the Money arising therefrom to be applied in the same Manner as the Penalties thereby imposed for Violation of the Provisions of this Act are hereby directed to be applied.

and legal Nets, when used illegally, shall, upon being forfeited, be sold.

Evidence of Informers and Owners, &c. of Fisheries admissible.

104. And be it enacted, That upon any Trial or other Proceeding for Recovery of any Penalty, Fine, or Forfeiture under this Act, no Informer or other Person who, in the event of a Conviction, shall be entitled to any Part, Share, or Proportion of the Penalty to be recovered thereon, nor any Owner or Occupier, or other Person interested in any Fishery or Fisheries shall be thereby incompetent to give Evidence, but shall nevertheless

theless be received and admitted as a Witness or Witnesses on such Trial or other Proceeding, and that such Testimony shall, if believed, be sufficient thereon to all Intents and Purposes, as far as the same Testimony could be if given by an indifferent Person.

Penalty on Witnesses refusing to give Evidence.

105. And be it enacted, That if any Person summoned to give Evidence upon any Trial or other Proceeding under this Act before any Justice or Justices of the Peace before whom any Person offending against any of the Provisions of this Act shall be tried shall, without reasonable Excuse, to be allowed by such Justice or Justices, refuse or neglect to appear at the Time and Place to be for that Purpose appointed, or if upon appearing he shall refuse to be examined upon Oath, or in case of a Quaker or Moravian, upon solemn Affirmation, or to give Evidence before such Justice or Justices, and shall not make reasonable Excuse for such Refusal, to be allowed by such Justice or Justices, then and in any of the Cases aforesaid such Person shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds, to be recovered in the same Manner as any other Penalty directed to be enforced by this Act, or that it shall be lawful for such Justice or Justices to commit such Person to the County Gaol, or to any Bridewell, House of Correction, or other Prison in the said County for any Period not exceeding One Month; and in case such Person shall wilfully make a false Oath or Affirmation in any such Proceedings, every such Person shall, upon Conviction be liable to all the Penalties for wilful and corrupt Perjury.

Offences on mearing Rivers may be tried in either County

106. And be it enacted, That where any of the Offences mentioned in this Act shall be committed in or

or upon any Lakes, Rivers, or Streams forming the Boundaries or Mearing Lines between any Two Counties, Districts of Quarter Sessions or Districts of Petty Sessions, such Offence shall and may be prosecuted before any Justice or Justices of the Peace in either of such Counties or Districts, and may be alleged and stated to have been committed therein.

Return of Convictions at Petty or Quarter Sessions shall be made to the Commissioners.

107. And be it enacted, That a Return or Report shall be made once in every Three Months to the said Commissioners from every Petty Sessions or other Court in *Ireland* where any Offender shall be prosecuted and convicted under the Provisions of this Act by the Clerk thereof, and such Return or Report shall contain the Name of every Person who shall be so convicted of any Offence against the Provisions of this Act, together with the Nature of the Offence, and the Punishment inflicted, and the Amount of the Fine imposed and levied upon every such Person so convicted as aforesaid; and any such Clerk neglecting or omitting to furnish such Return shall forfeit and pay a Sum not exceeding Five Pounds.

Persons punished under this Act not liable under any other Act.

108. And be it enacted, That where any Offender shall be punished for any Offence by virtue of this Act such Offender shall not again be prosecuted nor incur any Penalty by virtue of any other Law or Statute now in force, or be liable to any other Punishment for the same Offence.

Application of Penalties.

109. And be it enacted, That one Moiety of every Sum of Money levied as a Fine or Penalty under this Act shall be paid to the Informer or Person who shall be the Means of bringing to Justice any Person offending against the Provisions of this Act, and the other Moiety shall be paid to the said Commissioners, for the

Execution

Execution of this Act, to be by them applied towards defraying the Expences of carrying this Act into Execution.

Limitation of Actions, &c.

110. And be it enacted, That no Action or Suit shall be commenced against any Person for any thing done by him by virtue of or in pursuance of this Act until Twenty-one Days Notice thereof in Writing shall have been given to such Person, or left at his usual Place of Abode, nor after a sufficient Satisfaction, or a Tender thereof, shall have been made to the Party aggrieved, nor after Six Months next after the Fact committed; and the Defendant in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act, and if the same shall appear to be so done, or if such Action or Suit shall be brought after the Time herein-before limited for bringing the same, or shall be brought within Twenty-one Days Notice thereof, or after a sufficient Satisfaction made or tendered as aforesaid, that then the Jury shall find for the Defendant; and it shall and may be lawful for any Defendant in any such Action or Suit, at any Time prior to Trial had in the said Cause, to lodge in Court such Sum of Money as to him shall seem fit, in discharge of such Action, and that thereupon such Proceeding shall be had in relation thereto as in other Actions where Money may now be lodged in Court in discharge of any Action pending therein.

General Issue may be pleaded.

Commissioners empowered to hold General Meetings, summon Witnesses, and examine upon Oath.

111. And be it enacted, That it shall and may be lawful to and for the said Commissioners to hold General Meetings of Proprietors of Fisheries in any District, on giving due Notice by Advertisement or otherwise of

the Time and Place when and where such Meetings are appointed to be held, and to inquire into the State of the Fisheries in each such District, and the best Means to be adopted for the Regulation, Improvement, or Protection thereof; and for the more effectual Prosecution of such Inquiry it shall be lawful for the said Commissioners, or any One of them, to issue Summonses requiring the Attendance of such Witnesses as they shall think fit, and to examine on Oath touching any Matter or Thing in any way connected with the Inquiry into the State of such Fisheries as aforesaid, which Oath the said Commissioners or any One of them are hereby authorized and empowered to administer; and all such Witnesses so summoned as aforesaid shall be liable to the same Penalties for neglecting or refusing to attend or to give Evidence before the said Commissioners as are herein-before provided in the Case of any Person refusing to attend or give Evidence before any Justice or Justices.

Commissioners to report annually.

112. And be it enacted, That the said Commissioners shall, on or before the last Day of *January* in every Year, make a Report to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* of the Proceedings for the preceding Year, and of the Receipt and Expenditure of any Sums of Money which the said Commissioners shall, under the Provisions of this Act, receive or expend, distinguishing the Amount received on account of any Penalties, and the Officer or Person from whom the same may have been received; and such Report shall also contain, as far as may be practicable, a statistical Account of the said Fisheries, arranged and classified under such different Heads as may appear to the said Commissioners to be most suited and adapted for

for the Purpose, or as may from Time to Time be directed by the said Lord Lieutenant or other Chief Governor or Governors; and a Copy of every such Report shall be laid before each House of Parliament if then sitting, or within Three Weeks after the Commencement of the next Session.

Copy of Report to be laid before Parliament.

113. And be it enacted, That in the Construction of this Act (except where the Nature of the Provision or the Context of the Act shall exclude such Construction) the Word "Net" shall extend to all Descriptions of Tackle, Trawl, Trammel, Stake, Bag, Coghill, Eel, Haul, Draft, and Seine Nets, and to all other Engines or Devices, of whatever Construction or Materials, or by whatever Name known, which shall be used for the like Purposes as the Nets in this Act referred to; and the Word "Salmon" shall extend to all Grilse, Peal, Sea Trout, Samlets, Par, Salmon Fry, and all Fish of the Salmon Kind; and the Word "Vessel" shall extend to a Ship or a Boat, Cot or Curragh; and the Word "River" shall extend to all Streams and Watercourses; and the Word "Person" and the Word "Proprietor" shall extend to all Bodies Politic, Corporate, Aggregate, or Sole, and also to any Number of Persons associated together as a Company or Partnership; and the Word "County" shall extend and be applied to a County of a City and County of a Town; and the Word "Estuary" shall extend to a Harbour and a Roadstead and a Bay; and the Word "Waste" shall extend to all uncultivated or unprofitable Lands; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well

Definition of Terms in this Act.

well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Definition of "several Fishery."

114. And be it enacted, That the Words "several Fishery" shall, for the Purposes of this Act, be construed to mean an exclusive Fishery, possessed and enjoyed as such by virtue of Grant, Patent, or Charter, or by Act of Parliament, or by Prescription; and in all Rivers or Parts of Rivers or Lakes where the Tide does not ebb and flow, and which by Law are not deemed public navigable Rivers or Lakes, and in which no such exclusive Fishery as aforesaid shall have been possessed and enjoyed as aforesaid, the Proprietors in Fee of the adjoining Lands shall be considered to be possessed of a several Fishery within the Bounds and Limits of the said Lands, or so far as they are seised or possessed of the Soil and Bed of such Rivers or Lakes: Provided always, that nothing herein contained shall be construed to lessen or abridge any public Right of Fishing by lawful Means and in lawful Seasons heretofore enjoyed and exercised within the Limits of any such several Fisheries.

Act may be amended this Session.

115. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

Form of Warrant for a Water Bailiff.

I *A.B.* [*or* We *A.B.* and *C.D.*, *as the Case may be*,] of [*name the Place or Places of Residence*], do hereby appoint *D.E.* of [*name the Place of his Residence*] a Water Bailiff, to protect the Fishery of [*name the Fishery, River, or Sea Coast, as the Case may be*], pursuant to the Act of Victoria, Chapter , intituled "An Act to regulate the Irish Fisheries;" and the said *D.E.* of [*name the Place of his Residence*] is hereby authorized to do all lawful Acts as such Water Bailiff, according to the Provisions of the said Act.

(Signed) *A.B.*

To all whom it may concern.

We, the undersigned Magistrates, assembled in Petty Sessions, do hereby approve of the above Appointment. In witness whereof we hereunto subscribe our Names.

J.P.

J.P.

Anno Septimo & Octavo

Victoriæ Reginæ.

AN

ACT

TO

Amend an Act of the Sixth Year of Her present Majesty, intituled *An Act to regulate the* Irish *Fisheries;* and to empower the Constabulary Force to enforce certain Provisions respecting the *Irish* Fisheries.

[5th *September* 1844.]

CAP. CVIII.

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to consolidate the Laws relating to the Constabulary Force in* Ireland, and it was thereby, among other things provided, that no Chief or other Constable or Sub-Constable appointed under that Act should be employed to enforce any Acts relating to the Laws for the Preservation of Fish, except only in Cases when forcible Resistance shall have been actually made, and proved by Information taken on Oath: And whereas an Act was passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to regulate the* Irish *Fisheries*, whereby, among other things, certain Regulations for the general Preservation of the *Irish* Fisheries

6 & 7 W. 4. c. 13. s. 15.

5 & 6 Vict. c. 106.

Fisheries during certain Periods of the Year, and the Protection of the public Interests therein, were made; and it is expedient that the Constabulary Force shall be empowered to enforce such Regulations: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Constabulary Force empowered to carry into effect certain Regulations of the Fishery Act and of this Act.

That the Officers and Men of the Constabulary Force in *Ireland* shall, any thing in the said first-recited Act to the contrary notwithstanding, have, for the Purpose only of enforcing the Regulations of the said recited Act of Her present Majesty's Reign herein after set forth, and of this Act, all such Powers, Privileges, and Authorities as are by such Act conferred upon Water Bailiffs duly appointed thereunder, but subject nevertheless to such Orders and Restrictions, in respect of their being employed to enforce such Regulations, as shall from Time to Time be made by the Inspector General of the said Constabulary Force, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Regulations for the Observance of the annual and weekly Close Seasons.

2. And be it enacted, That the Regulations in enforcing which it shall be lawful to employ the Officers and Men of the said Constabulary Force shall be the Regulations herein-after mentioned; (that is to say,) all and singular the Regulations made by the said recited Act of Her present Majesty's Reign and by this Act, or under any Authority derived therefrom, for the Observance and Enforcement of the several Periods fixed by or under Authority of such Acts as the annual Close Seasons for the Salmon Fishery, the Trout Fishery, the Eels Fishery, and Oyster Fishery respectively, and for the

the free Passage of Fish during such several annual Close Seasons, and requiring for that Purpose the making and maintaining of Openings, and the Removal of Obstructions, and directing certain Acts, Matters, and Things to be done, and prohibiting other Acts, Matters, and Things to be done, during and in relation to such annual Close Seasons respectively; and also all and singular the Regulations made by the said recited Act, or any Authority derived therefrom, for the Observance and Enforcement of the several weekly Close Seasons fixed by such Act, in reference to inland Lakes and Rivers, and in reference to the Sea, or any Estuary or Tideway respectively, and for the free Passage of Fish during such weekly Close Seasons, and requiring for that Purpose the making and maintaining of Openings, and the Removal of Obstructions, and directing certain Acts, Matters, and Things to be done, and prohibiting other Acts, Matters, and Things to be done, during and in relation to such weekly Close Seasons respectively; and also all and singular the Regulations of the said last-recited Act prohibiting any Person wilfully taking, selling, purchasing, or having in his Possession the Spawn, Smelts, or Fry of Salmon, or of Trout, or of Eels, or in any Way or by any Device wilfully obstructing the Passage of the said Smelts or Fry, or injuring or disturbing any such Spawn or Fry, or any Spawning Bed, Bank, or Shallow where the same may be; and also all and singular the Regulations of the said Act prohibiting any Person wilfully taking, killing, destroying, exposing to sale, or having in his Possession, any red, black, foul, unclean, or unseasonable Salmon or Trout; and also all and singular the Regulations of the said Act prohibiting any Person, in any Season of the Year, in any Mill Pool or

Mill Dam, or in any Works appurtenant to any Mill or Factory, or in any of the Watercourses leading the Water to or from such Mill or Factory, placing, laying, setting, or drawing any Net, Grate, Creel, or other Engine, or using any Means or Device whatsoever (save and except Rod and Line used subject to the Provisions of the said Act), for the Purpose of taking, destroying, or obstructing any Salmon or other Fish, or the Fry thereof; and also all and singular the Regulations of the said Act prohibiting the Proprietor or Tenant of any Eel Weir taking or suffering to be taken therein any Salmon or Trout, or Salmon or Trout Fry, or Spent Salmon; and also all and singular the Regulations of the said last-recited Act prohibiting, between Sunset and Sunrise, the having or using any Light or Fire, Spear, Gaff, Strokeall, or other such Instrument, with Intent to take Salmon or other Fish in or on the Banks of any Lake or River, or chasing, injuring, or disturbing Spawning Fish or Fish on Spawning Beds, or attempting to catch Fish in such Places (except with Rod and Flies only within the lawful Period), or damming or teeming or emptying any River or Mill-race for the Purpose of taking or destroying any Salmon or Trout, or the Fry thereof.

Regulations against Fishing with Lights, &c. at Night.

Inspector of Fisheries empowered to receive Evidence to enable Commissioners to alter the Close Seasons in any River or District.

3. And whereas by the said last-recited Act it is provided, that the Commissioners for the Execution of the said Act may, if they shall so think fit, decide that the Period by the said Act appointed for the Close Time for the Fisheries in particular Localities shall cease, and that such other Period as shall be fixed upon by the said Commissioners as the Close Time for any of such Fisheries respectively shall be kept and observed in lieu thereof, or to alter the Period within which it shall not be

be lawful to hang any Coghill or other Nets in the Gaps, Eyes, or Sluices of Eel or other Weirs, or make use of fixed Engines for taking Eels: And whereas it is expedient for such Purpose to extend to the Inspectors of Fisheries appointed by the said Commissioners the Power to hear and receive Evidence, and to examine and inquire into the Subject of such Fisheries; be it therefore enacted, That it shall and may be lawful for any Inspector of Fisheries by the said Commissioners duly appointed, at the Direction and by the Order of the said Commissioners, to attend at any Meeting by the said Commissioners convened respecting the Fisheries in any particular Locality; and that the said Inspector of Fisheries shall hear and receive all such pertinent Evidence as shall be offered to him upon the Subject of the said Fisheries, and shall examine and inquire into the same upon Oath (which Oath the said Inspector is hereby authorized and empowered to administer), or otherwise, and by all such Means as may be deemed expedient by him, or as shall be by the said Commissioners in that Behalf directed; and that the said Inspector shall, within One Month after the said Meeting shall have taken place, faithfully report to the said Commissioners all the Evidence he shall have so received, and the Result of such Examination and Inquiry; and that it shall and may be lawful for the said Commissioners to act upon such Evidence, Examination, and Inquiry as if the same had been heard, taken, received, and made by the said Commissioners themselves.

Commissioners empowered to alter Close Season on shorter Notice than by last-recited Act directed.

4. And whereas it is expedient that the said Commissioners should be authorized to alter Close Seasons on shorter Notice than in and by the said Act directed; be it enacted, That it shall and may be lawful for the said

said Commissioners to alter the Close Time for the Fishery in any particular Locality, and that such other Period as shall be fixed upon by the said Commisssioners as the Close Time for any Fishery in any Locality shall be kept and observed in such Locality in lieu thereof, and to alter the Period within which it shall not be lawful to hang any Coghill or other Nets in the Gaps, Eyes, or Sluices of Eel or other Weirs, or make use of fixed Engines for taking Eels, upon calling a Meeting of the Persons possessed of or interested in any such Fishery, giving Notice of the Day and Place appointed for such Meeting, not less than Fourteen Days from the Date of such Notice, by printed Handbills and Advertisement twice at least in some Newspaper published and circulating in the County or several Counties within which or on the Coast whereof such Fishery is in whole or in part situated, any thing in the said Act of the Sixth Year of the Reign of Her present Majesty requiring a longer or other Notice to the contrary notwithstanding.

Power to Commissioners to suspend, for a fixed Period, the Oyster Fishery in any particular Locality.

5. And whereas it is by the said last-recited Act further enacted, that it shall not be lawful for any Person between the First Day of *May* and the First Day of *September* in any Year to dredge for, take, catch, or destroy any Oyster or Oyster Brood, save and except when the Season for taking the same shall be changed by the said Commissioners, according to the Provisions of the said last recited therein-after mentioned Act; and it is expedient for the Preservation, Protection, and Improvement of the Oyster Fisheries of *Ireland*, that in certain Localities the Power to dredge, fish for, or take Oysters should be suspended and prohibited for certain Periods; be it therefore enacted, That it shall and may

be

be lawful for the said Commissioners, if they shall so think fit, upon the Application of any Person interested in any Oyster Fishery in any particular Locality, to call a Meeting of the Persons possessed of or interested in such Oyster Fishery, after giving Notice of such Meeting in the Manner by the said last-recited Act directed with respect to changing the Periods within which it shall not be lawful to fish in Fisheries in particular Localities, and issuing such Summonses as is by the said last-recited Act in that Behalf directed, and by themselves or their Inspector hearing and receiving all such pertinent Evidence as shall be offered to them or him on the Subject of the said Fishery, and examining and inquiring into the same upon Oath, or otherwise to decide upon, fix, and appoint a Period, not exceeding the Term of Three Years, within which it shall not be lawful to dredge for, take, catch, or destroy any Oyster or Oyster Brood in such Locality.

Such Decision to be published.

6. And be it enacted, That such Decision shall take effect and shall be published at the Time and in the Manner by the said Act directed as to the Decision of the said Commissioners respecting the Close Time of any District, Lake, or River.

Use of Seine Net lawful for Herrings.

7. And whereas it is enacted by the said Act of the Fifth and Sixth of Her present Majesty, that no Person shall, at any Time between Sunrise and Sunset, set, either in the Sea or within the Tideway in any Estuary, any Sea-net for the catching of Herrings, or any Trammel Net, or leave any Drag or other Net in the Water, between Sunrise and Sunset, except Stake or fixed Nets for the catching of Salmon as therein-after provided, and save also Seines or Drift Nets for Pilchards or Fish other than Herrings: And whereas it has been found expedient

expedient to permit, under certain Restrictions, the Use of Seine Nets for the taking of Herrings; be it therefore enacted, That, notwithstanding any thing in the said recited Act to the contrary, it shall and may be lawful to and for all Persons to use Seine Nets for the catching of Herrings, save and except in such Places and at such Times as shall or may hereafter be forbidden by any Bye Law, Rule, or Regulation to be hereafter made by the said Commissioners.

When the Commissioners have defined the Mouth of any River, a Copy of such Definition to be deposited with the Clerk of the Peace;

8. And whereas by the said Act of the Sixth Year of Her present Majesty the Commissioners for the Execution thereof are authorized and empowered to define the Mouths of Rivers under the Circumstances and for the Purposes therein mentioned; and it is expedient to provide for the due Publication of all Definitions to be so made by the said Commissioners, and Proof thereof in all Courts of Law or Justice; be it therefore enacted, That when and so soon as the said Commissioners shall and may from Time to Time define the Mouth or Entrance of any River, under the Provisions of the said Act, a Copy of the Definition to be so made shall be deposited with the Clerk or Clerks of the Peace for the County or Counties in which the Mouth or Entrance of such River as so defined shall be situated; and in all Cases when it shall hereafter become necessary to prove such Definition in any Court of Law or Justice or elsewhere, a Copy, obtained from the Office of any Clerk of the Peace with whom the same may be lodged, and certified by him to be a true Copy thereof, shall be received and taken as full and sufficient Evidence of the Existence of such Definition.

and a certified Copy thereof to be Evidence.

Act may be amended this Session.

9. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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